

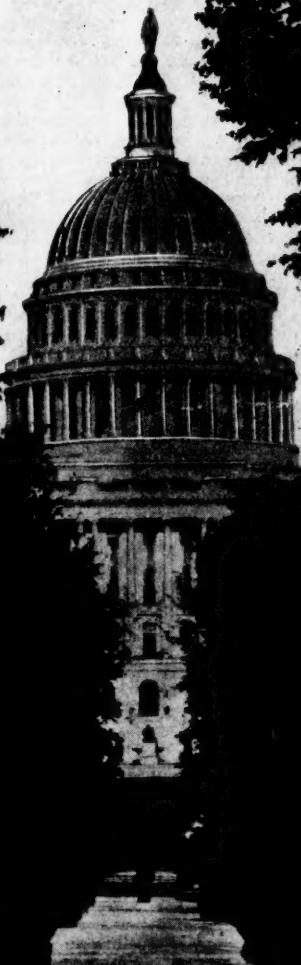
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# LIBERTY

A MAGAZINE OF RELIGIOUS FREEDOM



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# The Fitzgerald and Siegel Bills

BY HON. WILLIAM S. GOODWIN, M. C., ARKANSAS

**H**IN connection with the power and authority of the Post Office Department, the most powerful of all our departments for good, I desire to discuss another matter that is constantly being agitated throughout the country. A couple of bills to amend the postal laws of this country, introduced by Mr. Fitzgerald, of New York, H. R. 6469, and Mr. Siegel, of the same State, H. R. 491, seek to increase the power of the Postmaster-General. . . . If there is one guaranty out of which the sacred framework of our country is constituted, that guaranty is that every man may worship his Creator as his conscience directs, without the interference of the state. If this Republic expects to cling to its pristine principles, that have made it better, freer, and more liberal in giving hopes and aspirations to all its people, it must forever keep separate and apart church and state; and as sacred as is that guaranty that every citizen may worship God according to the dictates of his own conscience, just so sacred is that other guaranty by the federal Constitution, the freedom of speech or the press, that these may be never denied or abridged. Every school boy and girl fifteen years of age, who has reached the sixth grade, knows that American shores were made the asylum to the peoples of the Old World in the early days of our country's history; that here they came fleeing from the tyranny not only of rulers but the mobs of the old country; that this land of the free, this home of the brave, might be consecrated to civil and religious liberty, to the freedom of the printing press and of speech. And if that day should ever come that these sacred and holy principles shall be overturned,—that the Congress shall step in and by its law trample underfoot these holy and sacred principles for which our forefathers fought and established,—then the end of free government is in sight. . . . No student of history will fail to recall that the blood of martyrs for hundreds of years and that millions of people have bitten the dust of death in the Old World in defense of these sacred principles; that rivers have run red with the blood of men; that women and children have been butchered and sacrificed by the tyranny of those who would restrict the freedom of the press and of speech, and who undertook to say that people should not worship their Creator the way they chose to worship him.

I cannot believe, Mr. Speaker, that any religion, race, creed, or fraternal organization worthy of existence could have that existence threatened by the mere publication of some paper in Missouri or some magazine in Georgia or elsewhere. I think it quite evident that any paper that devotes its whole purpose to any one cause is likely to become extreme and overstate the true position. We may concede that; but is that a sufficient reason why any citizen should have his property confiscated, or that he should be deprived of his property, which is forbidden by the federal and all State constitutions, without due process of law, according to the guaranty of the federal and every State constitution? . . . The Federal and State constitutions and the laws based upon those constitutions all say that no citizen—and "citizen" here means likewise a corporation—shall be deprived of its property without due process of law. . . .

But here in these two bills the authors undertake to say that because it may be represented to the Postmaster-General that certain publications are being sent through the mails which tend "to expose any race, creed, or religion to either hatred, contempt, ridicule, or obloquy, he shall forthwith cause an investigation to be made under his direction, and shall, within twenty days after receipt of such complaint, if the facts contained therein are true, make an order forbidding the further use of the mails to any such publication."

Mr. Speaker, . . . if . . . publications are indecent, immoral, or scurrilous in character, are not the courts of the country open to whatever punishment . . . should be inflicted upon such publishers? If things appear in papers and magazines so indecent and obscene that they should not enter our homes, do you think, sir, that the courts of the country would not protect our homes? But these bills arbitrarily turn over to the Postmaster-General the matter of determining, not through an investigation of some court or tribunal, but as some Postmaster-General of the future may arbitrarily decide.—*Congressional Record*, March 7, 1916, p. 4229.

# LIBERTY

## A MAGAZINE OF RELIGIOUS FREEDOM

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## Exempt from Cognizance of Civil Government

**W**E hold it for a fundamental and undeniable truth, "that religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence." The religion, then, of every man must be left to the conviction and conscience of every man; and it is the right of every man to exercise it as these may dictate. This right is in its nature an unalienable right. It is unalienable because the opinions of men, depending only on the evidence contemplated in their own minds, cannot follow the dictates of other men. It is unalienable, also, because what is here a right toward men is a duty toward the Creator. It is the duty of every man to render to the Creator such homage, and such only, as he believes to be acceptable to him. This duty is precedent, both in order of time and in degree of obligation, to the claims of civil society. Before any man can be considered as a member of civil society, he must be considered as a subject of the Governor of the universe; and if a member of civil society who enters into any subordinate association must always do it with a reservation of his duty to the general authority, much more must every man who becomes a member of any particular civil society do it with a saving of his allegiance to the universal Sovereign. We maintain, therefore, that in matters of religion no man's right is abridged by the institution of civil society, and that religion is wholly exempt from its cognizance. True it is that no other rule exists by which any question which may divide a society can be ultimately determined than the will of the majority; but it is also true that the majority may trespass upon the rights of the minority.—*From Madison's Memorial to the Virginia Legislature, 1785, protesting against "a bill establishing a provision for teachers of the Christian Religion."*

# LIBERTY

*"Proclaim liberty throughout all the land unto all the inhabitants thereof."* *Lev. 25:10.*

VOL. XI

SECOND QUARTER, 1916

No. 3

## Shall Americans Permit the Overthrow of the Constitution and the Muzzling of the Press?

BY THE EDITOR

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press."—*First Amendment to the Constitution.*

THE plain language of the Constitution limits the power of Congress: "Congress shall *make no law . . .* abridging the freedom of speech, or of the press." The Supreme Court of the United States has declared that according to the Constitution, Congress has power to protect the freedom of the press by appropriate legislation, but not to abridge that freedom. If the press abuses its freedom, as it has occasionally done, by printing obscene, lewd, lascivious matter, or by making libelous and slanderous attacks calculated to injure the reputation or the pecuniary interests of an individual or body corporate, then the injured party has recourse to our courts and can obtain redress for the injury done, but the facts must be established by evidence that is satisfactory to a jury. Both the Federal and State supreme courts have univer-

sally held "that the fact of libel and slander must first be found by a jury." Trial by jury is a republican principle of government; trial by one man is monarchical; and condemnation without trial is despotic.

The great American patriots, when they formulated the laws to govern the Republic, realized that the freedom of the press could be abused; yet their faith was so strong in the ultimate triumph of truth that they were willing that the press should be permitted to present error without governmental interference, so long as the truth should be left free to seek vindication through the same medium.

Jefferson went so far as even to say that if he had to choose between government without newspapers and newspapers without government, he would risk newspapers without government. By that he meant that public opinion, if left free to express itself through the open forum of the press, would meas-

---

I am for freedom of the press, and against all violations of the Constitution to silence by force and not by reason the complaints or criticisms, just or unjust, of our citizens against the conduct of their agents.—Thomas Jefferson, 1799.

There are rights which it is useless to surrender to the government, and which governments have yet always been found to invade. These are the rights of thinking, and PUBLISHING our thoughts by speaking and writing.— Thomas Jefferson, 1789.

urably correct its own evils; and that government without free discussion and expression of public opinion would soon develop into despotism.

The fathers of the Republic held that the same liberty that was guaranteed to religion should be guaranteed to the press, and for this reason they denied Congress, in the First Amendment, the right to abridge the liberty of either. Therefore, if Congress should enact laws restricting the free exercise of religion or abridging the freedom of the press, it would transcend its powers and commit an unconstitutional act. This would be a subversion of principles of justice, and un-American in spirit. A muzzled press is the mere puppet of despotism. God designed America to be the home, not of tyrants and of slaves, but of a free people. Every lover of liberty will raise his voice in a mighty protest against any movement to muzzle the press so that it cannot print the truth freely and expose the intrigues of any enemy seeking the overthrow of free institutions.

#### Intrigues of Reactionary Forces

The efforts now being made in Congress to restrict the freedom of the press should serve to arouse every lover of liberty to a sense of the danger that threatens our free institutions. The contest is a revival of the old struggle between ecclesiastical power and human liberty. The press bills introduced into Congress by Messrs. Fitzgerald and Siegel aim at nothing less than the transformation of the Post Office Department into an autocratic, despotic bureau, instead of a branch of a free government. Why do these legislators seek to clothe the Postmaster-General with arbitrary

power, to make him not only an absolute censor of the press, but the judge, jury, prosecuting attorney, and sole prosecuting witness; constituting him a whole court in himself, with power to pass judgment upon men's motives and actions without trial, and from whose judgment there shall be no appeal?

When similar bills were before Congress a year ago, we intimated at the hearing before the committee that the authors of these bills either were ignorant of American principles, or were acting under strong pressure to clothe the Postmaster-General with such arbitrary power in the interests of a secret, invisible organization which had sinister designs against our free institutions. This was most emphatically denied by the authors of the bills, as is shown in the official record of the hearing upon these bills.

#### What the Record Reveals

"Mr. Reilly: I would like to ask these gentlemen if they were urged in any manner by any suggestions coming in any degree from anybody connected with the Catholic Church that these bills which they introduced should be introduced.

"Mr. Gallivan: I desire to refer to the statement I made in the opening of my remarks, which was that I introduced this bill on my own initiative. I think the committee understood me clearly on that point." (See page 12 of "Hearing before the Committee on the Post Office and Post Roads," Feb. 1, 1915.)

The impression was given by the authors of these bills that they had introduced them on their own initiative, without suggestion from anybody connected in any degree with the Catholic Church. But this denial of Catholic influence by these Congressmen is, in turn, denied by the Catholic press.

In past ages there were censorships to decide what might be published, or even believed. Every Christian denomination has at one time or another been subjected to such censorship. The few were very anxious not to give freedom of speech or of the press. They thought the many were not fit for it. They therefore set themselves up as censors and guardians over the bulk of their fellow men.— Mayor Gaynor.

The center of thought was then among the few, and they were very anxious to keep it there. But in the course of time, in spite of all opposition, the center of thought began to pass from the few to the many, where it is today. It was then that censorships, and all interference with freedom of speech, of the press, and of opinion, began to give way by degrees, until in the end all of them, at all events with us, were abolished. And that is now substantially true under all free governments throughout the world.— Mayor Gaynor.

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#### Catholic Avowal of Catholic Pressure

The Committee on Public Morals made the following report to the American Federation of Catholic Societies in their annual meeting at Toledo, Ohio, Aug. 15-17, 1915, as published in the official *Bulletin* of the federation:—

"We regret that the rush of important national legislation prevented action by Congress during the last days of the short term on H. R. Bill No. 20644, intended to shut out from the mails indecent and filthy publications that attack the Catholic Church and its institutions. Spurred to activity by the Brooklyn diocesan federation, Congressman John J. Fitzgerald, of that borough, in January introduced the bill after having failed in a laudable attempt to get relief for Catholics through the regular Post Office Appropriation Bill. Mr. Fitzgerald has promised the Brooklyn federation that he will reintroduce the bill at the next session of Congress.

"Congressman James A. Gallivan, of Massachusetts, introduced a similar bill, but neither bill got out of the committee. For six years the federation appealed to Congressmen for action against commercialized bigotry. In two distinguished members of Congress we found at last men with sufficient bravery not only to denounce the bigots on the floor, but to demand legislation to protect Catholics from the cowardly attacks of enemies, and to end a national disgrace.

"Strange as it may appear to the uninitiated, it does require political courage in public life to champion a Catholic cause. The Guardians of Liberty last fall took away 40,000 votes from a Catholic candidate for governor in New York State. No doubt they now have Fitzgerald and Gallivan on the 'black list.' I trust that federation at this meeting will by appropriate resolution make due acknowledgment to the two Congressmen mentioned for their good work."

#### A Concerted Plan

A number of Roman Catholic periodicals announced before the present Congress convened that Mr. Fitzgerald was

going to reintroduce his bill, and that Mr. Siegel was going to introduce another bill, which would, if passed, shut out of the mails all anti-Catholic publications. There seemed to be a perfect understanding and foreknowledge on the part of the Knights of Columbus, the American Federation of Catholic Societies, and Catholic periodicals as to the time of the introduction of the present bills by Messrs. Fitzgerald and Siegel. After Mr. Fitzgerald introduced his bill, the Brooklyn *Tablet* (Roman Catholic) of January 8, said:—

"The only publications in this country that would come within the pale defined by Congressman Fitzgerald's bill, are those which are attacking the Catholic Church."

Still later this same periodical, which claims to have a circulation of 700,000 copies per issue, announced a most thoroughly organized Catholic campaign soliciting every Catholic family in this country to write letters and send petitions to Congressmen, demanding the passage of these press bills, also stating that an effort would be made to get these bills out of the committee into the open forum of Congress, and that a demand would be made for a division of the votes on the roll call. There is no doubt as to the object sought in such a scheme on the part of Roman Catholics.

It is not the policy of LIBERTY magazine to make an attack on the Catholic Church or on Catholic organizations in discussing this great issue now pending before Congress. Many of our stanchest friends are Catholics, and we much dislike to say anything to reflect in any way upon the Catholic Church; but if

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Where the press is free, and every man able to read, all is safe.— Thomas Jefferson, 1816.

**The press is the best instrument for enlightening the mind of man, and improving him as a rational, moral, and social being.**—Thomas Jefferson, in 1823.

silence means to purchase friendship at the sacrifice of free American institutions, right principles, honor, and justice, then the price of peace is too high. We much deplore the fact that our Roman Catholic friends are making this a purely sectarian issue.

#### What We Fear

We fear that this aggressive campaign on the part of the Catholic Church in America to induce Congress to deprive American citizens of their cherished and blood-bought liberties, will result in a great increase of bitter feeling toward the Catholic hierarchy and Catholic organizations, similar to the feeling at the time of the great Reformation in Europe, and more recently in other parts of the world. Any encroachments on the part of a foreign power which has alien principles of government, upon the right of the people to rule, will be most bitterly resented and resisted here. Consequently, we deplore the fact that the Catholic Church has made this a denominational issue, and according to the testimony of Catholics themselves has "appealed to Congress-

men" "for six years" for them "to champion a Catholic cause," thus launching a national campaign to silence "publications that attack the Catholic Church and its institutions."

#### Let Charity and Equality Prevail

Both Protestants and Catholics are alike guilty of abusing the privilege of a free press in heaping ridicule and contempt upon each other and their peculiar doctrines. If a Protestant can endure Catholic abuse through the press under existing American law, why cannot a Catholic be content with equal treatment and privileges?

It seems strange that Catholics want publications shut out of the mails for attacking the Catholic Church, while Catholic publications continue to attack the Protestant church and its institutions. This is inconsistent. Protestants are not appealing to Congressmen to introduce bills to shut Catholic publications out of the mails. They have nothing to fear in a free field. They ask only equal rights, equal opportunities. Why should Roman Catholics ask for special protection?



## Enforced Religious Observance Tends to Immorality

BY JOHN N. QUINN

MORALITY, a morality which is woven into the very fiber of the life, is the ultimate of Christianity. The method employed in the production of this experience is peculiar to the teaching of Jesus Christ, in that it absolutely repudiates physical force.

Compulsory service is infinitely inferior to that which is voluntary, but earnest service will ever spring from the conciliated heart. Morality is of the mind and heart, hence never can be produced by civil enactment.

Many religionists are zealous for the

enforced observance of Sunday, hoping in this way to add to the morality and the well-being of the whole people. History furnishes at least three interesting experiences in which immorality—not morality—followed in the wake of religion enforced by law.

#### Christianity's First Legal Recognition

Constantine was the first of the Roman emperors to recognize Christianity, and to enact a law making Sunday observance obligatory on at least a part of the people. Of this law, which was enacted A. D. 321, it is written:—

**There is not a precept in the New Testament to compel, by civil law, any man who is not a Christian to pay any regard to the Lord's day, more than any other day.**  
—Alexander Campbell.

"The first Sunday law, the edict of the emperor Constantine, was the product of that pagan conception, developed by the Romans, which made religion a part of the state. The day was to be venerated as a religious duty owed to the god of the sun. . . . Evidently Constantine was still something of a heathen. As late as the year 409, two rescripts of the emperors, Honorius and Theodosius, indicate that Christians then still generally observed the Sabbath [Saturday, not Sunday].”—*Judge Clarke of North Carolina Supreme Court, N. C., Vol. CXXXIV, p. 508.*

"That very day was the Sunday of their heathen neighbors and respective countrymen, and patriotism gladly united with expediency in making it at once their Lord's day and their sabbath."—*North British Review, Vol. XVIII, p. 409.*

"It was the aim of Constantine to make theology a branch of politics; it was the hope of every bishop in the empire to make politics a branch of theology." "The unavoidable consequences were a union between the church and the state."—*Draper's "Intellectual Development of Europe," chaps. 9, 10.*

Constantine established Christianity as the religion of the empire, and Sunday by law became the day of rest. What were the results? These:—

"Contemporaneously with the establishment [of Christianity as the religion of the empire] was the progress of a great and general corruption which had arisen two centuries before. Superstition and ignorance invested the ecclesiastics with a power which they exerted to their own aggrandizement."—*White's Universal History, p. 156.*

"As the church grew in numbers and wealth, costly edifices were constructed for worship. The services became more elaborate. . . . Sculpture and painting were enlisted in the work of providing aids to devotion. Relics of saints and martyrs were cherished as sacred possessions. Religious observances were multiplied; and the church, under the Christian emperors, with its array of clergy and of imposing ceremonies, assumed much of the stateliness and visible splendor that had belonged to the heathen system which it had supplanted."—*Fisher's "Outlines of Universal History," p. 193.*

**The magistrate has no right to punish a breach of the Sabbath, nor any other offense that is a breach of the first table [of the decalogue].**—Roger Williams, in "Memoirs of Williams," page 45.

"Some join us from desire of maintenance, some for preferment: . . . nothing is so rare as a real lover of truth."—*The Emperor at Council of Nice to Bishops; Stanley's "Lectures on History of the Eastern Church," lec. 5, par. 13 from end.*

"The people of God are dispersed by the abounding immoralities and heresies of the day, while no good shepherd appears, to lay down his life for the sheep."—*Jerome (A. D. 400).*

"No language can describe the angry contentions of Christians and the corruption of



CONSTANTINE, AUTHOR OF THE FIRST SUNDAY LAW

morals that prevailed from the time of Constantine to that of Theodosius."—*Chrysostom (A. D. 347-407). Homily on St. Matthew.*

Salvianus, of the fifth century, wrote:

"How many may one meet, even in the church, who are not still drunkards, or debauchees, or adulterers, or fornicators, or robbers, or murderers, or the like, or all these at once, without end? . . . If the Saxon is wild,

the Frank faithless, the Goth inhuman, the Alanian drunken, the Hun licentious, they are, by reason of their ignorance, far less punishable than we, who, knowing the commandments of God, commit all these crimes."—Quoted by Schaff, "History of the Christian Church," Vol. III, sec. 12, par. 3.

Evidence can be added indefinitely to the above, demonstrating that the union of Christianity with the Roman Empire and the enforcement of Sunday ended in disaster to the morals of the people and the welfare of the state.

#### Result of Sunday Enforcement in England and Scotland

Puritanism in Great Britain toward the close of the sixteenth century locked horns with Episcopalianism. The controversy brought the question of Sunday to the front, and in 1594 Dr. Bownde, a Puritan, "published his treatise on the Sabbath, wherein he maintains the morality of the seventh part of time for the worship of God." This book had a wonderful circulation among the people. "All the Puritans fell in with this doctrine, and distinguished themselves by spending that part of sacred time [Sunday] in public, family, and private acts of devotion." "This doctrine, carrying such a fair show of piety, at least in the opinion of the common people, and such as did not examine the true grounds of it, induced many to embrace and defend it; and in a very little time it became the most bewitching error and the most popular infatuation that ever was embraced by the people of England."

The Puritan idea prevailed, the crusade for enforced Sunday observance began, and after half a century of trial in Eng-

land and Scotland it failed to make people moral. Macaulay said:—

"Those passions and tastes which had been sternly repressed broke forth with ungovernable violence as soon as the check was withdrawn. Men flew to frivolous amusements and to criminal pleasures, with the greediness which long and enforced abstinence naturally produces. Little restraint was imposed by public opinion; for the nation, nauseated by cant, suspicious of all pretensions to sanctity, and still smarting from the recent tyranny of rulers [Puritans] austere in life and powerful in prayer, looked for a time with complacency on the softer and gayer vices."—"History of England," Vol. I, p. 179, fifth edition

"The ascetic penances [of the Puritans] were afterwards succeeded in the nation by an era of hypocritical sanctity, and we may trace this last stage of insanity and immorality, closing with impiety. The very corruption it has left behind still breeds in monstrous shapes."—D'Israeli's "Curiosities of Literature," Vol. VI, p. 275.

These times were marked by the growth of sins of all sorts, particularly pride, uncleanness, contempt of ordinances, oppression, violence, fraudulent dealing, and that under the rod, the most part of the people growing worse and worse, and revolting more and more. See Carlyle's "Cromwell," Vol. II, pp. 3, 4.

ENFORCING SUNDAY OBSERVANCE IN COLONIAL NEW ENGLAND



The National Covenant in Scotland was subscribed in 1580, renewed in 1639, at the very period of Sabbath excitement. Cromwell, when he invaded Scotland, says in a letter to the Lord President of the Council of State, dated Sept. 25, 1650:—

"I thought I should have found in Scotland a conscientious people and a barren country; about Edinburgh it is as fertile for corn as any part of England; but the people generally,

Almighty God hath created the mind free; all attempts to influence it by temporal punishments or burdens or by civil incapacitations, tend only to beget habits of hypocrisy and meanness, and are a departure from the plan of the holy Author of our religion, who, being Lord both of body and mind, yet chose not to propagate it by coercion on either, as was in his almighty power to do.— Thomas Jefferson, Virginia Act for Establishing Religious Freedom, 1785.

[are so] given to the most impudent lying and frequent swearing, as is incredible to be believed.”—*Id., page 72.*

Of those times it is recorded:—

“ Much falsehood and cheating at this time was daily detected by the Lords of the Session; there was daily hanging, scourging, boring of tongues, so that it was one fatal year for falsehood, as daily experience did witness; and as for adultery, fornication, incest, bigamy, and other uncleanness and filthiness, it did never abound more than at this time.”

Puritanism in New England, as in Great Britain, did not even touch the fringe of the garment of genuine religious liberty. Compulsion in New England ended in immorality. Mather’s “*Magnalia Christi Americani*,” a book of unquestionable authority, thus portrays conditions under enforced religion:—

“ There is a great and visible decay of the power of godliness amongst many professors in these churches. It may be feared that there is in too many, spiritual and heart apostasy.” “ Many people have sinned secretly.” “ Secret murders have shamefully been discovered among us, and I believe that there are yet more to be discovered.” “ There has been devilish filthiness committed among us.” “ There have been church members among us, who have made no mean profession of religion; these have gone on from year to year, in a trade of secret filthiness.” “ I have known some wretched young men in several societies who have been the chief debauchers of the society they belonged to.”

Again:—

“ As for the state and condition of things among us, it is sad, and like to continue so. The antichristian persecuting spirit is very active, and that in the powers of this world he that will not whip and lash, persecute and punish men—that differ in matters of religion, must not sit on the bench, nor sustain any

office in the commonwealth.”—*Letter from James Cudworth, dated December, 1658, describing state of affairs in Plymouth. He had been a magistrate and commission officer in the colony.*

President Oakes of Harvard College (1673) said he looked upon toleration as the “first-born of all abominations.” See Belknap’s “*History of New Hampshire*,” Vol. I, p. 71.



BREAKING A HERETIC ON THE WHEEL

These lines from a poem by Mr. Dudley, an eminent New England Puritan, tell of the spirit of intolerance which prevents God’s Spirit from producing morality, the morality of Christ, in the lives of men:—

“ Let men of God in court and churches, watch O’er such as do a toleration hatch.”

—*Hutchinson’s History, Vol. I, p. 75.*

Proscription has no part or lot in modern government of the world. The stake, the gibbet, and the rack, thumbscrews, swords, and pillory have no place among the machinery of civilization. Nature is diversified. So are human faculties, beliefs, and practices. Essential freedom is the right to differ, and that right must be sacredly respected.—Ridpath’s “*History of the World*,” Vol. III, p. 1354.

In religious matters the state must in justice leave every man free to do that which is right in his own eyes, provided he does not violate the law of equal rights and civility. When this freedom is recognized, the Spirit of God, which is the spirit of holiness, cares for his own; and where men are free, conditions will not exist such as prevailed in Rome, in Great Britain, in New England.

"After having made man free to sin, that the eternal principle of love might work itself

out in external acts of righteousness unhindered by force,—after having made man thus, has God given to any human authority the right to take away that freedom, and so thwart the plans of God?"

All lovers of liberty will answer, No. Freedom to think, to speak, to act, does not mean a society where sin will not become rampant; it means rather a society where lawlessness will not prevail, but where equity and right will reign sovereign.



## The Limits of Rightful Authority

BY C. P. BOLLMAN

NEARLY all the world recognizes, at least in theory, that civil authority has its limitations. But even in our own land of delegated powers and of written constitutions, we do not find universal agreement as to just where the line between legitimate authority and arbitrary power should be drawn. Indeed, there seems to be a tendency in some quarters toward a narrowing down of the absolute rights of citizens, and a corresponding enlargement of the powers of civil rulers.

Perhaps it would not be going too far to say that there is a constantly growing and ominous encroachment of municipal, State, and national "police powers" upon the Constitutional guaranties of personal liberty.

The late Senator Ingalls once said: "The domain that government invades it dominates; the jurisdiction it takes it keeps." Truer words were never spoken, and it is for exactly this reason that the people should be most jealous for their rights. Eternal vigilance has not ceased, nor will it ever cease, to be the price of liberty.

There is no department of the American government that touches the everyday life of all the people as does the

Postal Department, with its splendid mail service. It is probable for this reason that it has been especially singled out as the point of attack by those who would change our government from a purely political to a semi-ecclesiastical institution, with power to enforce not only our civil duties, but real or imaginary religious ones as well.

As far back in the history of our government as 1810, Congress was strongly petitioned to discontinue the Sunday mail service. And from that time until the present, such petitions have been presented at more or less frequent intervals.

Jan. 19, 1829, the Senate Committee on the Post Office and Post Roads made report on a number of such petitions, through its chairman, Hon. Richard M. Johnson, of Kentucky, which report was in part as follows:—

"The transportation of the mail on the first day of the week, it is believed, does not interfere with the rights of conscience. The petitioners for its discontinuance appear to be actuated by a religious zeal, which may be commendable if confined to its proper sphere: but they assume a position better suited to an ecclesiastical than to a civil institution. They appear in many instances to lay it down as an axiom that the practice is a violation of the law of God."—*Senate Report, 1829.*

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If Congress shall, by the authority of law, sanction the measure recommended [the discontinuance of Sunday mails], it would constitute a legislative decision of a religious controversy, in which even Christians themselves are at issue.—House Report on Sunday Mails, Twenty-first Congress.

The proper object of government is to protect all persons in the enjoyment of their religious as well as civil rights, and not to determine for any whether they shall esteem one day above another, or esteem all days alike holy.—Senate Report on Sunday Mails, Twentieth Congress.

It was this latter feature of the demand for Sunday legislation that was regarded as especially alarming three quarters of a century ago; and this same feature of the demand for Sunday legislation, though now carefully concealed in various ways, ought still to alarm every one who prizes the Constitutional safeguards of religious liberty bequeathed to us by the founders of this republic.

It matters not whether acts defining or undertaking to define the divine law be openly and avowedly for that purpose, or whether they are designed to furnish such a definition while professing to do something else, the effect is the same. And it is at this point that "police powers," municipal, State, and national, are gradually but surely undermining our Constitutional guarantees of civil and religious liberty. This is well illustrated in the existence and operation of the Sunday law of Tennessee.

In the year 1891, R. M. King, a citizen of Tennessee, was prosecuted under the State Sunday law. Being convicted, he sought a transfer of the case to the federal courts by writ of habeas corpus. The case was heard, Aug. 1, 1891, by Judge Hammond of the United States District Court sitting in Memphis.

The contention of Hon. Don M. Dickinson, attorney for Mr. King, was, first, that as his client had been twice put in jeopardy for the same offense, in violation of the constitution of the State;<sup>1</sup> and, second, that since the Tennessee Bill of Rights provides "that no human au-

thority can, in any case whatever, control or interfere with the rights of conscience, and that no preference shall ever be given by law to any religious establishment or mode of worship," Mr. King's conviction was without "due process of law," and was therefore in violation of both the State and the federal Constitution.

Judge Hammond prefaced his decision dismissing the writ by a number of remarks pertinent to the subject now under consideration. His Honor said that from



ENFORCING THE SUNDAY LAW IN TENNESSEE

An actual scene in Rhea County, Tennessee. No 1 was a minister of the gospel (now deceased). His offense was allowing some young men who were boarding with him and attending a Seventh-day Adventist school to split wood on Sunday in a shed back of the house. No. 12 is the guard armed with a gun to prevent the escape of these dangerous (?) criminals. All were Seventh-day Adventists excepting Nos. 10 and 11.

one viewpoint he would "have no difficulty in thinking that King had been wrongfully convicted." But he held, as other federal judges had held before him, and as others have since held, that it be-

<sup>1</sup> The statutes of Tennessee provide a penalty of three dollars for Sunday work, to be recovered before a justice of the peace by any one suing for the same. The courts of the State have also held that repeated violations of the same section of the statutes may be punished as a nuisance. King had been proceeded against in both of these ways.

When religion is good, it will take care of itself; when it is not able to take care of itself, and God does not see fit to take care of it, so that it has to appeal to the civil power for support, it is evidence in my mind that its cause is a bad one.—Benjamin Franklin, in letter to Dr. Price.

**Even if Christianity could be deemed the basis of our government, its own organic law must be found in the New Testament, and there we shall look in vain for any requirement to observe Sunday. . . . The Old Testament commanded the observance of the Sabbath, . . . and it designated Saturday, not Sunday, as the day of rest.—Supreme Court of North Carolina, Reports, 134, pp. 508-515.**

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longs to the courts of each State to say what is "due process of law" each in its own State, and that the federal courts will not go behind such decisions duly rendered, however faulty they may be made to appear.

Had Judge Hammond said no more than this, his decision would be without special interest at this time. But His Honor evidently felt called upon to account reasonably for the existence of Sunday laws, notwithstanding the broad guarantees of religious liberty in both State and Federal constitutions. In doing this, Judge Hammond admitted, in effect, a practical union of church and state in Tennessee. Alluding by way of contrast to the denomination to which Mr. King belonged, His Honor spoke of "other sects having control of legislation in the matter of Sunday observance."

Continuing his defense of Sunday laws, notwithstanding their invasion of rights guaranteed by the constitution, Judge Hammond said that Mr. King as an Adventist, or some other person as a Jew, had no right to "disregard laws made in aid, if you choose to say so, of the religion of other sects." Then, though denying that the fourth commandment of the decalogue is a part of the common law, His Honor added:—

"Nevertheless, by a sort of factitious advantage, the observers of Sunday have secured the aid of the civil law, and adhere to that advantage with great tenacity in spite of the clamor for religious freedom and the progress that has been made in the absolute separation of church and state. . . . The effort to extirpate the advantage by judicial decision . . . seems to me quite useless. The proper appeal is to the legislature; for the courts cannot change that which has been done, however

done, by the civil law in favor of the Sunday observers."

The fact that the enforcement of the Sunday law in the case of Mr. King was religious persecution had been emphasized by showing that many nominal Sunday observers in the same neighborhood worked on Sunday, but were not molested for so doing. Referring to this fact, Judge Hammond said:—

"One may, and many thousands do, work on that day without complaint from any source; but if one ostentatiously labors for the purpose of emphasizing his distaste for or his disbelief in the custom, he may be made to suffer for his defiance by persecutions, if you call them so, on the part of the great majority, who will compel him to rest when they rest."

Now the particularly significant thing about all this is that, as is admitted by Judge Hammond, while clearly not only in the interests of religion, but of that particular mode of worship that devotes the first day of the week to religious duties, the courts of Tennessee have uniformly sustained the State Sunday law as "a civil institution," and its enforcement as a part of the legitimate "police power of the State." Thus by a legal fiction constitutional guarantees are subordinated to the so-called "police power." We have said "so-called," for in real truth "police power" is simply "the power of the State through all its agencies, both general and local, to preserve order, regulate intercourse between citizens, and to insure to each the lawful enjoyment of his rights." Therefore it is no justification of any statute or of any action taken under any statute in contravention of the rights of even a single citizen, to say that

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**Whatever establishes a distinction against one class or sect is, to the extent to which the distinction operates unfavorably, a persecution; and if based on religious grounds, a religious persecution.—Cooley's "Constitutional Limitations."**

the statute was enacted or the action was had in the exercise of the "police power" of the State. Under a government of delegated powers, the "police power" can never rightfully rise superior to the constitution which confers and limits that power.

The State may innocently establish *holidays*, but not *holy* days. The law for the holiday gives the citizen *permission* to rest; the law for the holy day seeks to *compel* rest. The holiday involves the decision of no religious question; the law creating it does not assume to define in any manner the law of God or to enforce its claims; but both of these invasions of God-given rights are bound up in the legal creation or enforcement of a holy day. Therefore there can be no reasonable question that American governments, municipal, State, and national, are inhibited both by natural and by constitutional law from in any way enforcing upon anybody the observance of any holy day. Such observance rests of right with

the individual citizen, and not with Congress nor with State legislatures. This brings us logically to Mr. Jefferson's statement in a letter written to Mr. Francis W. Gilmer, June 7, 1816: "No man has a natural right to commit aggressions on the equal rights of another; and this is all from which the laws ought to restrain him; every man is under the natural duty of contributing to the necessities of the [civil] society [of which he is a part]; and this is all the laws should enforce on him."

No man can state the principle more clearly than it is stated in these words written nearly one hundred years ago. Surely it must be conceded by all fair-minded men that no man or set of men can ever have any moral right to coerce anybody in matters of religion. And in this country no legislature, either State or national, has any Constitutional right to enact any legislation involving a definition of the divine law or seeking its enforcement.



## "When in Doubt, Pass a Law"

BY CLAUDE E. HOLMES

It would seem as if the above title expresses the policy that is being followed in this country, for over 60,000 laws have been enacted in the United States in the last five years. If this lawmaking craze persists a little longer, we shall become a nation of nervous wrecks. There will be a continual fear of arrest. Only the lawyer, who makes a business of studying the statutes, will be able to familiarize himself with them, and so keep out of jail.

Nearly 20,000 bills have already been introduced in our national Congress this session. Even to read the titles to proposed legislation is no small undertaking. Some of it is necessary and proper, some is dangerous and subversive of our liberties, some is freakish, and a large part wholly unnecessary and out of place.

The legislation that is most to be feared

is that which would abridge our natural rights. There is never a time when it can be safely assumed that our liberties are in no danger. There are influences always at work that would steal away our most sacred possessions. "We are too apt to accept such reforms as trial by jury, freedom of speech, and freedom of religion as matters of course, forgetting the struggle of centuries that brought these things about. It is much easier to lose these blessings than it was to gain them." So said ex-Governor Folk, in the *Saturday Evening Post* of Feb. 12, 1910.

### Three Dangerous Bills

Three bills now pending before Congress demand more than passing notice. The first one, H. R. 491, would bar any publication from the mails that "contains any article which tends to expose any

race, creed, or religion to either hatred, contempt, ridicule, or obloquy." Such a measure would proscribe all criticism or unfavorable statements concerning any race or religion. Legitimate discussion would eventually fall under the ban. If such a law existed today, the newspapers would be forced to refrain from unfavorable mention of the Germans, the Eng-

ter, or thing of indecent, immoral, or scurrilous character." Confessions of its sponsors prove that it is only the thin edge of the wedge to debar publications from the mails that are objectionable to the Catholic Church. Clothing itself with what seems to be a laudable purpose, it will be revealed in its real character only when it has the power of the government behind it.

When this bill was first proposed, its promoter claimed that it was directed especially at "filthy" literature. Various Catholic periodicals since then have repeated the expression, until it is now a favorite word designating all anti-Catholic publications. An illuminating comment on the Catholic meaning of "filthy" is given by B. O. Flower in "The Patriot's Manual," p. 159:—

"One is constantly encountering the word 'filth' or 'filthy,' when Catholics are attacking anti-Catholic publications, and knowing that the Catholics are accustomed to draw from the Popes for condemnatory expressions, we looked through some of the papal declarations to find out if possible what the word 'filth' meant when pronounced in infallible and irrefutable *ex-cathedra* utterances, and we found Pope Innocent III saying, at the time of the Fourth Ecumenical Lateran Council, that 'if a secular ruler, after due warning by the church, neglects to purge his territory from the *filth of heresy*, let him be excommunicated by the metropolitan archbishop and the bishops of the province.' [See Labbe and Cossart's "History of the Councils," Tom. XI, par. 1, col. 148.] Here we see what 'filth' means to the Catholic mind, as uttered by the infallible head of the church."

#### Congressional Action Not Constitutional

Both these bills are out of place. Congress has no Constitutional power to enact laws to settle religious controversies or to hinder a discussion of them. It is beyond the Constitutional powers of Congress to abridge in any degree the freedom of the press. Once and for all the First Amendment to the Constitution has taken the whole matter from the jurisdiction of Congress. Unless the Constitution is amended, Congress can pass *no law* creating a press censorship.

Congress would be obliged to define what is immoral, obscene, and scurrilous.



HON. JOSEPH W. FOLK

"The evils arising from the abuses of freedom of speech, the stage, and the press are bad enough, to be sure, but not so bad as tyranny. The power of censorship may be abused as well as freedom, and when that is abused there is tyranny. An aroused public conscience and an educated public opinion must correct these evils. There is little danger from error when public opinion is enlightened and reason is free. . . . The right of free speech does not mean only the right to say pleasant things, but the right to say things displeasing to the powers that be."—Hon. Joseph W. Folk, in "Saturday Evening Post," Feb. 12, 1910.

lish, the Mexicans, the Japanese, or any other nation, irrespective of what they did. It would be necessary for Congress to define religion, pass upon creeds and various other matters, all of which would be contrary to the Constitution.

The second bill, H. R. 4648, aims at practically the same thing — keeping out of the mails publications that attack a certain religion. Ostensibly it is directed at "obscene or immoral books, pamphlets, pictures, prints, engravings, lithographs, photographs, or other publications, mat-

Certain kinds of indecent and immoral publications are easily recognized by practically every one, and are already barred by federal statutes. But there are hundreds of others that may be variously interpreted. To give one man authority to settle these questions for the whole nation would be to clothe an individual with great, far-reaching, and dangerous power. The press must be left free, being responsible only for any abuse of that liberty, the facts to be passed upon by a jury drawn from the body of the people.

#### One-Man Power

These bills propose to place in the hands of one man — the Postmaster-General — absolute power over the press. By a scratch of the pen he could keep any paper out of the mails, and practically destroy it. There would be no appeal from his decision. The newspaper man, whose business may be ruined by an order forbidding him the privileges of the mails, would have no redress whatever. His property would be arbitrarily ruined, with no hope of remuneration. Such procedure is contrary to the letter and spirit of our free institutions.

#### No Appeal

It is not clear to many what it would mean to clothe an administrative officer with power to settle such a question. It is simply taken for granted that an appeal could be taken to the courts from the decision of a departmental officer. But this is a mistake. This important point was explained so clearly in a hearing before the House Committee on Education, wherein arguments were made for and against a federal motion picture commission, that we give it here:—

"Mr. Barber: I believe that we should put in a provision — I do not care what sort of provision it is — providing for an appeal."

"Mr. Powers: What kind of provision can you put in that would remedy this situation?"

"Mr. Barber: A provision for an appeal either to the administrative officers or to some special board, or to the courts."

"Mr. Powers: But you cannot go to the courts. You cannot go anywhere with it."

"Mr. Barber: Not unless you put in a special provision."

"Mr. Powers: You cannot put in a special provision that will take it to the courts. All you can do is to submit this to these five men, and from there they can go to the superintendent of instruction, and from him an appeal would lie to the Secretary of the Interior; but you cannot go to the courts with it."

"Mr. Barber: I may be wrong, but I never realized that Congress could not permit the question of possible abuse of power to be appealed to the courts."

"Mr. Abercrombie: Is not an appeal permissible from the decision of the Interstate Commerce Commission to the courts?"

"Mr. Powers: A decision of any of these boards in these departments is a departmental decision, a political decision, and you cannot review their findings in the courts."

"Mr. Abercrombie: Will you answer the question? Is not there an appeal from the decision of the Interstate Commerce Commission to the courts? Is not that possible?"

"Mr. Powers: That is a different proposition; but the Department of the Interior, the Department of Agriculture, and other departments of the government are political departments. You cannot appeal from the Secretary of Agriculture and go to the courts on any proposition. You cannot appeal from the Secretary of the Interior to the courts on any proposition."

"Mr. Fess: May I ask Mr. Powers this question? Appellate jurisdiction is not fixed by the Constitution, but as Congress shall decide. Now, why could not Congress provide for that appeal?"

"Mr. Powers: The three departments of the government — executive, judicial, and legislative — are equally powerful and equally supreme, and it is not in the mouth of Congress or in the power of Congress to pass a law of that character." — *Hearings on Federal Motion Picture Commission*, p. 182.

#### Federal Guardianship of Public Health and Morals

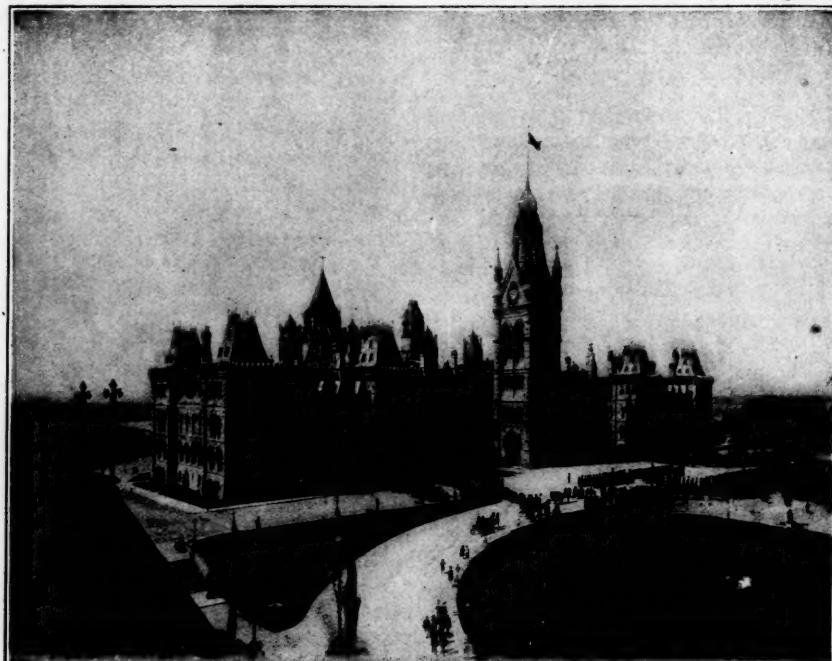
The bill to create a commission of five persons to censor all moving picture films, contains a provision that has an important relation to the Siegel and Fitzgerald postal bills. These bills purpose to keep from the mails so-called obscene, immoral, and indecent publications. The language of section 5 of the film censor-

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**Printing presses shall be subject to no other restraint than liableness to legal prosecution for false facts printed and published.** — Thomas Jefferson, 1783.

ship bill reads: "The commission will license every film submitted to it and intended for entrance into interstate commerce unless it finds that such film is *obscene, indecent, immoral*," etc., and that an exhibition of the same "would tend to impair the health or corrupt the morals of children or adults, or incite to crime." This provision will appeal to many as it did to a member of the Com-

Are the people of this country ready for five men to decide for them what is good and bad for their health, and what is moral and immoral, without consulting them? Or, in the case of the postal bills, do they want one man, the Postmaster-General, to do it? This is traveling in the wrong direction. It is harking back to the Dark Ages, when men were virtual slaves under an absolute monarchy.



CANADIAN HOUSE OF PARLIAMENT, OTTAWA, CANADA

Destroyed recently, by incendiary bombs it is believed.

mittee of Education, Mr. Caleb Powers. Addressing a champion of the bill, Canon Chase, he said:—

"Now, then, this commission of five, with arbitrary powers, and from whose decision virtually there is no relief, sets itself up as a guide for the morals of the entire country, adults as well as children. Now, do you believe that any five men, whether in a commission or not in a commission, should set themselves up as the sponsors of what should be shown to the adult population all over this country, this entire country, throughout all the States of this great Union?"—*Id.*, p. 149.

When Congress itself, or through a commission created by it, arbitrarily settles such questions, it is bound to take another step and censor the press. For if it can look after the health and morals of the people in regard to the moving pictures, it can do the same with the press, and that will soon follow.

#### Making a Parent of the State

A champion of the film bill, in pleading for its passage, argued that it is proper to legislate for the people in this respect,

because "the state tells me what I shall eat, how I shall eat it; what I shall drink, and how and when I shall drink it; what kind of air I shall breathe; what I shall wear and how I shall wear it; what kind of house and home I shall have; tells me what I may do in the way of occupation, and what I may not do; what shall be my amusements and what shall not; takes care of my health; tells me how I shall ride, and even what I shall pay for transportation. The state tells me what kind of books and papers I shall read; what kind of pictures I shall look at, and what dramatic performances I shall witness; how I shall marry, and whom; how I shall be born, live, die, and be buried."—*Briefs and Statements on Federal Motion Picture Commission*, p. 7.

If this is all true, then it is time to call a halt. Otherwise we shall not know what and who we are and where we belong. All individuality will be swallowed up in the state. About all there is left outside of what has just been mentioned, is for the state to arrange our transportation to heaven or to purgatory, as it sees fit. Indeed such a program as this is not beyond the realm of probability, for the States are now forcing religious institutions upon the people. Laws enforcing the observance of Sunday are found on the statute books of nearly every State. Efforts are being made with the present Congress to get it to recognize Sunday by law, that the citizens of the District may not desecrate the so-called Christian sabbath.

Freedom of speech and the press and liberty of worship are all provided for in the same instrument. An infringement of one weakens the others. All supervision of the press, pulpit, platform, stage, or film should be left to the people and their local courts. And the question of religion should never be discussed in the halls of our political representatives, nor should they ever legislate upon ecclesiastical matters. Their office is to declare and safeguard our rights, and to take none of them from us. Let us hope that they will not exceed their legitimate powers.

## Compulsion Versus Free Choice

ARTHUR G. DANIELLS

IT is in every sense deplorable and unjust for civil government to legislate on religious questions. Many reasons can be adduced in proof of this. We here present one:—

Civil law means *force*; religion means *free choice*; and these ideas are *absolutely incompatible*.

We will demonstrate this. Government is defined to be "the administration of laws." To administer law is to carry it into effect; to execute or enforce it. To enforce is to compel.

Civil government exists for the protection of the individual rights of its citizens. The value of the legislative branch of a government lies in the just laws it enacts for the protection of its citizens' rights. The dignity of the executive department lies in the impartial execution of those laws. A government that has not the *power* to either make or enforce just laws is a farce.

Thus the idea of *force* is inseparable from civil government.

But not so in matters of religion. Religion is man's personal relation of faith and obedience to God. "Whatsoever is not of faith," says Paul, "is sin." Faith, then, must be the mainspring of all action in matters of religion.

But faith is voluntary. "Faith cometh by hearing, and hearing by the word of God." Faith cannot be produced by law nor by any amount of compulsion. It is a matter of free will, absolutely.

The basis of civil government is law, and law means force. The basis of religion is faith, and faith is voluntary. For this reason, then, we submit that civil government and religion never can be united except at the peril of one or the other, or both.



EVERWHERE the strong have made the laws and oppressed the weak; and if they have sometimes consulted the interests of society, they have always forgotten those of humanity.—*Turgot*.

## Oregon Sunday Law Agitation

BY H. W. COTTRELL

THE three federal jurists, Circuit Judge Gilbert, of San Francisco; District Judge Cushman, of Tacoma, Wash.; and District Judge Wolverton, of Portland, Oregon, before whom was heard the prayer of the Brunswick-Balke-Collender Company for a permanent injunction restraining district attorneys and sheriffs of twenty-five Oregon counties from enforcing the Sunday law, denied their request in a recent decision. These jurists were of the opinion that the law is not religious in character, and that it is constitutional.

The case of State Senator Dan Kel-laher, the grocer, had been heard before State Circuit Judge Calvin U. Ganten-bein, who had placed the Multnomah County officials under a temporary restraining order. Seven years ago Judge Gantenbein rendered an opinion on the Sunday-closing law, declaring it religious in character, and therefore unconstitutional.

After the federal judges had heard this case and Judge Wolverton had handed down their opinion, Senator Dan Kel-laher's case came again before Judge Gantenbein, at which time he continued the final disposition of the two demurrers filed by District Attorney Evans against Judge Gantenbein's former temporary restraining order, until next November, thus disarming the district attorney of a chance to appeal. Had the judge declared a permanent injunction, an appeal could have been taken immediately to the Oregon Supreme Court.

Judge Gantenbein in his postponement said, in part: "I am somewhat in the position of a juror who is thoroughly convinced of the correctness of his opinion, but who finds that the remaining jurors take an opposite view, and who yields to the weight of opinion." Because the law now appears to be constitutional, Judge Gantenbein ruled it did not prove its fairness, and that in justice,

not law, he could not allow it to be enforced now.

"This law has remained dormant for seventy-two [sixty-two] years," reads his decision. "During that time the State has succeeded in struggling along fairly well, and it seems to me that neither the morals nor the health of any citizen is going to be materially affected by allowing it to sleep seven or eight months longer."

From an editorial in the *Oregonian* of Nov. 8, 1915, we quote:—

"The most interesting aspect of Judge Gantenbein's decision that the Sunday law is invalid is that he overrules the State supreme court, which had recently held the statute to be valid. It is nevertheless difficult to escape the force of the Gantenbein logic. The law appears, from its history and from its inherent character, to be designed primarily to prevent profanation of Sunday, inasmuch as it expressly prohibits certain activities on the 'first day of the week, commonly called Sunday, or the Lord's day.' There is no pretense that the purpose is to enforce a day of rest for physiological, humanitarian, or any other purpose; but there is a clear implication that Sunday, or the Lord's day, must be observed. It is therefore by Judge Gantenbein held to be an invasion of religious freedom, and void. . . . Meanwhile the Sunday law is a jumble, admittedly discriminatory and unfair, and better ignored, or at least enjoined from enforcement until the people are able to decide what they want. A protracted controversy over compulsory Sunday observance is not a pleasant thing to contemplate."

A paragraph from an editorial in the *Oregonian* of Oct. 23, 1915, reads:—

"The present Oregon Sunday-closing law would seem to be fairly comprehensive, though it presents some queer inequalities, such as the definite ban on groceries and the express exemption of butcher shops and baker shops. Yet Rev. Dr. Tufts proposes now to put forth a real blue law, which shall not be subject to the complaint that it plays favorites so far as stores which open for business, and amusements which charge an admission fee, are concerned. Dr. Tufts wants a genuine rest day for everybody. If they don't want to take it, they will have to rest anyway."

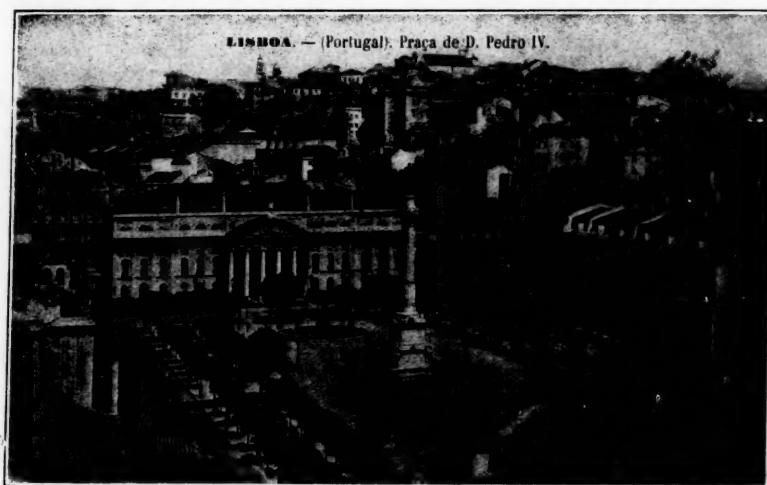
The Rev. G. L. Tufts, referred to by the editor, is superintendent of the Sunday Rest League of the Pacific Coast. He came to Portland from Berkeley, Cal., immediately after the Sunday-closing prosecutions were inaugurated in Oregon, and appeared in print in the *Oregonian* of October 25 in reply to the aforementioned editorial. We quote him:—

"In the *Oregonian*, Saturday, an editorial article discusses the subject of Sunday legislation. We highly esteem the opinion of the *Oregonian*. For this reason we will submit a copy of our proposed bill for its consideration and criticism before going to print.

just a little by reason of the fact that we are unable to gain a definite idea of its import except in one particular, from Mr. Tufts' letter.

"These matters are interesting as indicating the delicacy of the economic problem Mr. Tufts and his coworkers are courageously attacking. It will be wonderful, indeed, if they can devise a bill which will have the indorsement of nine tenths of the business men and employees. . . . But certainly it will not have those delightful attributes if it is no more than an attempt to compel everybody to spend Sunday in spiritual contemplation."

As the editor above quoted expresses himself, one may readily observe the



THE BUILDING WITH THE SIX COLUMNS WAS THE OLD INQUISITION  
BUILDING, LISBON, PORTUGAL

"The editorial labors under the mistake that we propose to force people to rest on Sundays whether or no. That may be said of the Sunday laws of some of the States. But we assure our highly respected editor that he may spend every day of the year in his office composing his masterful editorial, without violating the proposed law. . . . Let it be distinctly understood once for all, that we are not appealing to the State to protect the day as a sacred institution by a civil enactment, but to protect man as a human being."

From an editorial in the same issue we quote:—

"The *Oregonian* will await with considerable interest receipt of the proposed weekly rest-day bill, an advanced copy of which Mr. Tufts so kindly promises. This interest is whetted

spirit behind this movement for Sunday enforcement. Like Judge Gantenbein, one may readily see the cloven hoof. Surely it is entirely a religious measure; and in the interest of the *Sunday sect* of religionists, who hope thereby to fill their vacant church pews, which would be better filled if the gospel of God's love were preached by men acquainted with its power, rather than a gospel of civil force.

However, the Pacific Coast superintendent of the One-day-of-rest-in-seven League, speaking of the proposed initiative law, says: "It will, in no sense, be a religious measure to enforce religious beliefs and practices, but a civil statute

based upon economic and natural rights."

He persists in telling the people through the daily papers that his agitation is not from the religious viewpoint. President Lincoln once said, "You can fool all the people some of the time, and some of the people all the time, but you cannot fool all the people all the time." We believe Lincoln's words will be seen to be true in this case.

In the *Pacific Christian Advocate* of Jan. 12, 1916, Mr. Tufts states:—

"A committee of fifty ministers and laymen of Portland, representing fifteen denominations, and members of the Central Labor Council, have drafted a bill to be submitted to the voters at the fall election as a substitute for the old Sunday law. It is a vast improvement on the existing statute for which a repeal vote is to be taken. It will give to Oregon one of the best and sanest Sunday rest laws of any State in the Union. It will also provide for one day of rest in seven for the many who do the necessary work of Sunday. The Federal Council of the Churches of Christ of America is advocating such a measure throughout the United States. Only three of the States now have such a law."

"The committee of fifty adopted the name of Weekly Rest Day League of Oregon under which to carry forward this movement. Every pastor and friend of Sunday observance is regarded as a constituent part of the Weekly Rest Day League, and their loyal support is anticipated. No reform will be more helpful to the pastor. *It is the legitimate business of the church to preserve this day.* And the King's business requires haste. We urge you to press the circulation of the initiative petition."

A copy of the aforementioned bill was published in the Sunday *Oregonian* of Jan. 30, 1916.

Observe that Mr. Tufts makes this statement in the *Oregonian*: "We are not appealing to the State to protect the day

as a sacred institution." "It will, in no sense, be a religious measure." His church organ, the *Pacific Christian Advocate*, says, however, "It is the legitimate business of the church to preserve this day."

At the International Lord's Day Congress held in Oakland, Cal., July 27 to Aug. 1, 1915, the president of the National Reform Association, Henry Collin Minton, D. D., LL. D., whose position among the Sunday promoters should entitle him to announce authoritatively the object they have in mind,—which often times is covered, thereby deceiving many people,—speaking of Sunday and Sunday laws, said:—

The laws should go no further than to protect each man in his rights; when a law goes further than that in an attempt to make bad people good, it must in the nature of things be futile. We cannot hope to change the hearts of men by law, and only have the right to keep them from infringing on the rights of others. . . . We have a right to persuade others to our way of thinking if we can, but not to make them criminals by law on matters about which the consciences of men may differ.—Hon. Joseph W. Folk, in *Saturday Evening Post*, Feb. 12, 1910.

According to the declaration of their president, they desire the support of civil law for Sunday as a religious institution, notwithstanding the frequently repeated denial of the real motive behind the movement.

Some of the people are conscious of the evil lurking beneath the surface of the expression, "We only want Sunday law to enforce an American sabbath, or a civil sabbath." Dr. Minton said, "Primarily and essentially it is a religious day." Of course it is, and all the people should be informed of the fact, that they may not be ensnared by the plea for a "civil sabbath."

Our divine Lord said, "Render . . . unto God the things that are God's." "The seventh day is the Sabbath of the Lord thy God." It being God's, it is therefore the duty of every man to render it to him, not to civil government.

## The Thanksgiving Proclamation

BY L. L. CAVINESS

THE government of the United States is based on the principle of the entire separation of church and state, but the principle is not always carried out consistently. There is a class of persons among us who welcome any official action of this government which seems to countenance their contention for a union of church and state, or, as they prefer to call it, of religion and the state. But there are many religions in the world, and the question arises as to which one they wish to have united with the state. Let the *Christian Statesman*, the official organ of the National Reform Association, answer:—

"There should be in this fundamental law [the Constitution] some distinct acknowledgment of the authority of God, of Christ who is the Ruler of nations, and of his Word as the source of jurisprudence, so far as that Word concerns permanent civil affairs. This would be no union of church and state, but the recognition of the connection between Christianity and the state."

While it is perfectly proper for the Christian citizens of this republic to meet in their churches to thank God publicly for the blessings which they have received, and we are even admonished in the Scriptures to pray for those that bear rule over us, yet a national Thanksgiving proclamation seems to involve a degree of union of the state and religion. For this reason it is approved by the *Christian Statesman* in the following words:—

"The recent Thanksgiving proclamation of our President is a reverent and thoughtful statement of the reasons for our gratitude as a nation to God in the present hour of our national life. Such proclamations are peculiarly appropriate because the nation as a moral being has its own relation to God."

Thomas Jefferson recognized the unconstitutionality of a national Thanksgiving proclamation. In a letter to Rev. Mr. Millar, dated Jan. 23, 1808, he said:—

"I consider the government of the United States as interdicted by the Constitution from intermeddling with religious institutions, their doctrines, discipline, or exercises. This results not only from the provision that no law shall be made respecting the establishment or free exercise of religion, but from that, also, which reserves to the States the powers not delegated to the United States. Certainly no power to prescribe any religious exercise, or to assume authority in religious discipline, has been delegated to the general government. It must, then, rest with the States, as far as it can be in any human authority. But it is only proposed that I should recommend, not prescribe, a day of fasting and prayer. That is, that I should indirectly assume to the United States an authority over religious exercises, which the Constitution has directly precluded them from. It must be meant, too, that this recommendation is to carry some authority, and to be sanctioned by some penalty on those who disregard it; not, indeed, of fine and imprisonment, but of some degree of proscription, perhaps in public opinion. And does the change in the nature of the penalty make the recommendation less a law of conduct for those to whom it is directed? I do not believe it is for the interest of religion to invite the civil magistrate to direct its exercises, its discipline, or its doctrines; nor of the religious societies, that the general government should be invested with the power of effecting any uniformity of time or matter among them. Fasting and prayer are religious exercises; the enjoining them, an act of discipline. Every religious society has a right to determine for itself the times for these exercises, and the objects proper for them, according to their own particular tenets; and this right can never be safer than in their own hands, where the Constitution has deposited it."—"Works of Thomas Jefferson," Vol. V, pp. 236, 237.

James Madison also considered the enjoining of fasts and festivals an unwarranted assumption on the part of the Chief Executive; yet he endeavored to justify, or rather to excuse, himself in conforming to the example of predecessors (Jefferson excepted). He said in a letter to Edward Livingston, dated July 10, 1822:—

"I observe with particular pleasure the view you have taken of the immunity of religion from civil jurisdiction, in every case where it

does not trespass on private rights or the public peace. This has always been a favorite principle with me; and it was not with my approbation that the deviation from it took place in Congress, when they appointed chaplains, to be paid from the national treasury. It would have been a much better proof to their constituents of their pious feeling if the members had contributed for the purpose a pittance from their own pockets. As the precedent is not likely to be rescinded, the best that can now be done may be to apply to the Constitution the maxim of the law, *de minimis non curat.*

"There has been another deviation from the strict principle in the executive proclamations of fasts and festivals, so far, at least, as they have spoken the language of injunction, or have lost sight of the equality of all religious sects in the eye of the Constitution. Whilst I was honored with the executive trust, I found it necessary on more than one occasion to follow the example of predecessors. But I was always careful to make the proclamations absolutely indiscriminate, and merely recommendatory; or, rather, mere designations of a day on which all who thought proper might unite in consecrating it to religious purposes, according to their own faith and forms."—"Writings of James Madison," Vol. III, p. 273 *et seq.*

The endeavor to make the Thanksgiving proclamation "absolutely indiscriminate and merely recommendatory," is the very thing to which the *Christian Statesman* takes exception. It wishes Christ to be recognized as the Ruler of nations, even though this involves a discrimination against those of our citizens who do not believe in Christ as the Son of God. The comments of the *Statesman* are:—

"It is disappointing, however, to note that this proclamation follows the custom of its predecessors, and makes no reference to Jesus Christ, the Ruler of nations, except in the words, 'In the year of our Lord,' which have no necessary religious significance. This omission by our Presidents is too consistently regular to be unintentional; and it is to be much regretted that in this hour when the God of nations is speaking to the world in such audible tones, and has been sparing us from the strife that others have suffered, we should not through our Christian President in such a proclamation have recognized him whom God has exalted to be the King of nations. 'Kiss the Son,' is God's mandate to civil rulers. 'He that honoreth not the Son honoreth not the Father which hath sent him.' Also there is no way of expressing thanks acceptably to the Father but through the Son."

As believers in the principle of separation of church and state, let us view with alarm anything which involves the least violation of this American principle.

\* \* \*

## Sunday Laws Against the Constitution

BY WM. MAYHEW HEALEY

THE First Amendment to the Constitution of the United States reads: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

The constitution and laws of each State must be in harmony with those of the general government, else there would be no United States. The Fourteenth Amendment to the Constitution of the United States guards this point and makes such harmony imperative in the following words: "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws." Every citizen of the United States, and in harmony with the Fourteenth Amendment, every citizen of the individual States, must be allowed the "free exercise" of religion, and that under "equal protection of the laws."

Every Sunday law is a violation of the Fourteenth Amendment, in the fact that it denies "equal protection," as certain kinds of business are always allowed, while other lines are forbidden under penalty. As an illustration of this, take the Sunday law of Idaho, which permits the sale of "candies and cigars," but prohibits selling a loaf of bread under penalty of "not less than twenty-five dollars." This is not equal protection of law when it allows candy and cigars to be sold seven days in the week, and forbids selling bread more than six days in the week.

Every Sunday law interferes with the

free exercise of religion by those who observe another day of the week for religious reasons. For though they may be exempt from the penalty of the law, they do not have equal protection under it. The seventh-day observer may be granted, under an exemption, the right to open his place of business on Sunday, but the law has closed those business houses with which he must needs do business, and which were open on the day before for those who observed Sunday. He does not have equal protection in procuring labor or in seeking employ-

ment. It makes very little difference in the results whether the man is shut away from his business, or the business is shut away from the man. The exemption may save him from suffering the personal penalty as prescribed in the law, and yet the law works a hardship on him, and makes it cost him more to observe the day he chooses to keep than it costs those who choose to observe Sunday. This injustice and lack of "equal protection" is a sure outcome of Sunday laws, whether they are called religious laws or are known by some other name.



## The Individual and the Government

BY L. A. SMITH

THE theory of government which prevails in the United States is that the government exists for the benefit of the individual. To preserve certain "inalienable rights" which the individual has as a gift from his Creator, governments are instituted among men, "deriving their just powers from the consent of the governed." So it was declared by the founders of this nation in the justification put before the world for the act of separation from Great Britain.

This theory of government, however, though set forth by the first American statesmen as a self-evident truth, is persistently discredited in this country to-day, being ignored in some quarters and explicitly denied in others. Strong influences are at work to establish in its place the theory that the individual exists for the benefit of the state, under which theory the state is invested with rights which are asserted to be altogether superior to those of the individual.

If the rights of the American people are to be maintained, it must be by a recognition of the theory of government under which they were asserted at the beginning.

This theory of government is Christian in character, being based upon an appeal to Heaven. Without the recogni-

tion of God contained in the Declaration of Independence, there would be no force in its assertion of the doctrine of unalienable rights. Individual rights are unalienable, and therefore not subject to the will of the state, because they are given to the individual by his Creator. God is greater than all, and his acts, his purposes, no government can have authority to set aside.

The inspired Volume tells us that God began this world by creating two individuals. He did not create a state, or government, and then make individuals to fit it; he first created man, and as the human family grew in numbers, governments were instituted to conserve the interests of the individual members of that family.

In God's order, the individual came first; the state came as a secondary institution, originating as a servant of man and not as his master.

God deals with the human family as individuals. By the sin of one man, trouble came upon the whole world; likewise by the righteousness of one man, redemption came to all mankind. Men will be rewarded and punished at the final day, not by nations, not by tribes, not by families, but as individuals. God

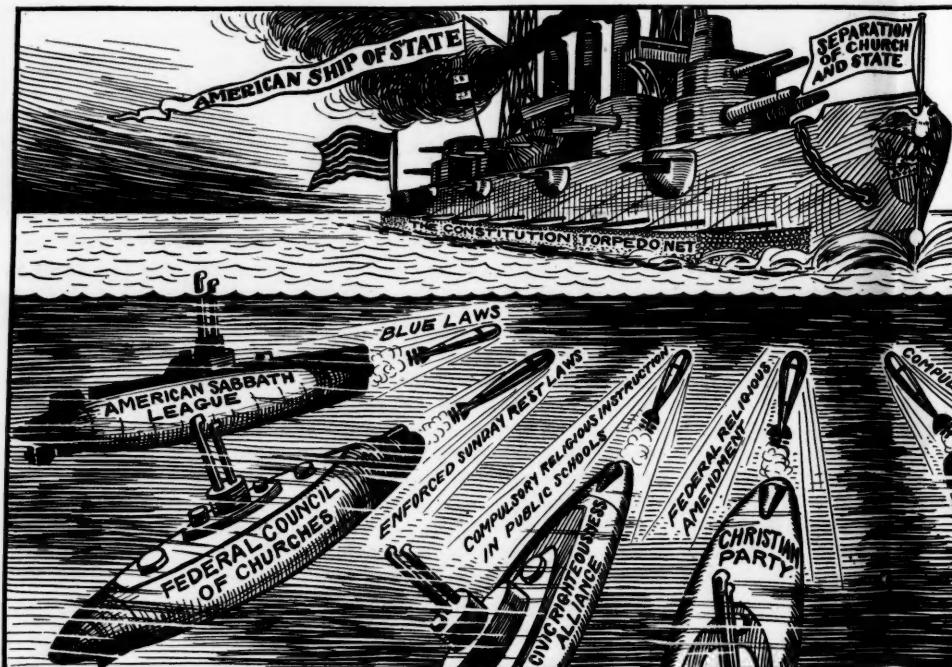
*(Concluded on page 90)*

## Not Overdrawn

This cartoon is not overdrawn. The design is plain and the lesson is evident. The only feature needing any explanation is the Constitution shown as a torpedo net protecting from undersea craft the submerged part of the hull of the American ship of state, which is assailed by enemies not only numerous and powerful, but which are for the most part working under cover.

These enemies profess the utmost attachment to the institutions of republicanism, while in very truth they are laboring to subvert the fundamental principles of the Republic.

The attack upon the free press is not more un-American and dangerous



WILL THE TORPEDOES PI...

than is the attack made in various forms against other guaranties of the First Amendment:—

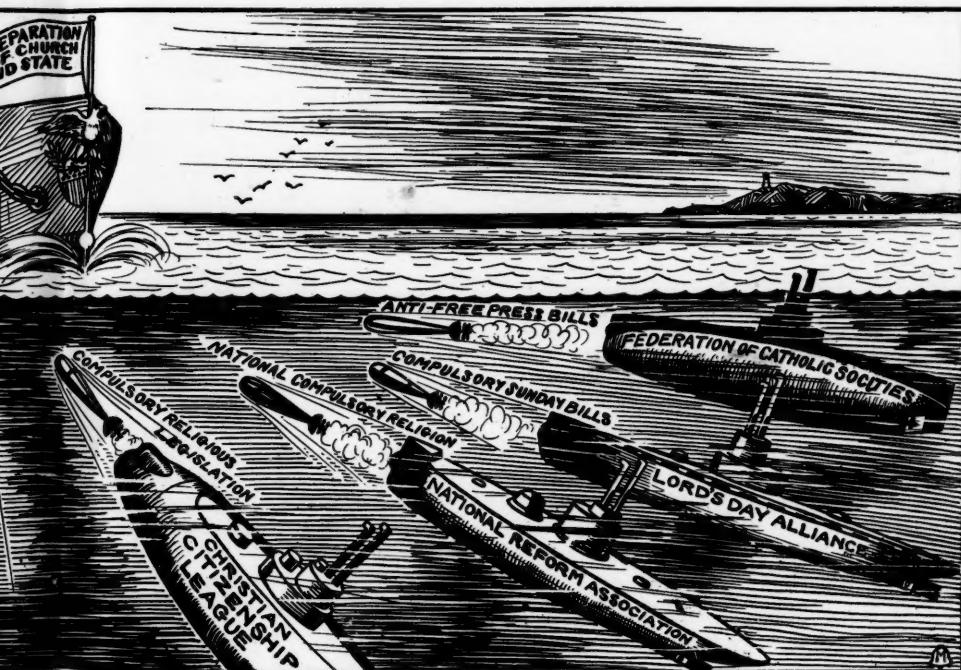
"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances."

The effort now being made to constitute the Postmaster-General censor of the press, with power to exclude from the mails any paper or other publication that in his judgment transgresses certain fixed limits, is so clearly un-American that but few thinking people are likely to be deceived by it; but in its last analysis it is little if any worse than other measures now urged before Congress.

It was clearly the purpose of the framers of the First Amendment definitely and forever to withhold from Congress all authority to legislate in

any way upon the subject of religion, its substance, its definitions, its forms, its institutions, or its observances.

The First Amendment was thought by some to be unnecessary, for the reason that, as stated in Article X of the Constitution, "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." But the Constitution is no longer regarded as highly as it once was. The question said to have been asked some years ago by a Texas statesman, "What is the Constitution between friends?" simply represents a state of mind, not of an individual here and there having a personal interest in overriding the Constitution, but the careless, indifferent state of the public mind, which has



#### PEDOES PIERCE THE NET?

ceased to be jealous for the preservation of the Constitution, even in its most important features: and that notwithstanding it is the safeguard of our liberties, the charter of our rights as American citizens.

Some of the associations whose names appear upon the underwater craft in the cartoon, freely admit that the measures they advocate are subversive of the Constitution as originally adopted and as it now is, and for this reason they demand that this charter of our liberties be so amended as to admit the legislation they seek. But we cannot believe that the American people are ready for such a step as that. Our greatest danger is not that the Constitution will be amended, but that it will be over-ridden.

Let us hope that in the present crisis the Constitution may not fail, through the indifference of the people, to afford that protection which it was designed to give, not only directly to our ship of state, but incidentally to the individual citizen. "Eternal vigilance is the price of liberty."

## The Individual and the Government

(Concluded from page 87)

will reward every man according to his works. Matt. 16: 27. God saves men by faith, and faith is of necessity an individual matter. The law of God is addressed to individuals,—“Thou shalt not,” etc.

Man, the individual, was made in the image of God, and for this reason was given preeminence in God’s creation. And because man was made in the image of divinity, he was of such value in God’s sight that after his fall an infinite price was paid for his redemption. Jesus Christ died to save individuals, not cities, nor tribes, nor states. With God, there-

fore, the individual comes first; he is of supreme importance, and all institutions ordained of God are for his benefit.

Men may disregard this order, and set up governments which ignore the relationship between man and his Creator, as has been done in every period of human history. They may set up the theory of the paramount rights of the state as against individual rights, and reduce the individual to the position of a mere cog in the government machinery; but in this they are only fighting against God. God’s rights are supreme, and his ways are the ways of truth and justice. The unalienable rights with which he has endowed all individuals made in his image must ever stand in the purposes of God, and are sure of final vindication in the earth.



## Supreme Religious Authority

BY CARLYLE B. HAYNES

AUTHORITY in matters of religion has been given to no man or body of men. No man, be he pope, emperor, king, or president, and no body of men, be it church council, congress, parliament, or legislature, has the right to prescribe the religious duty of other men.

### God Alone Supreme

In the religious sphere God alone is supreme. He is the supreme head of the entire universe. There is no limit to his authority or his jurisdiction.

“The Lord hath prepared his throne in the heavens; and his kingdom ruleth over all.” Ps. 103: 19.

### Committed to Christ

And it is to Christ, his Son, that God has committed this supreme rule in religious things. He has placed all things under Christ’s feet. Especially has he given him to be head over the church, which is his spiritual kingdom on earth.

“And hath put all things under his feet, and gave him to be the head over all things to the church, which is his body the fulness of him that filleth all in all.” Eph. 1: 22, 23.

And the church, Christ’s kingdom on earth, is built on Christ as its chief corner stone, not on Peter, nor on any other man. Hence Christ, and Christ alone, is the source of its authority.

“And are built upon the foundation of the apostles and prophets, Jesus Christ himself being the chief corner stone.” Eph. 2: 20.

### Jurisdiction Unlimited

God is the supreme Judge over all his creatures. All their work, whether it be secret or open, good or bad, he will bring into judgment and decide. From this it follows that his jurisdiction is unlimited.

“Let us hear the conclusion of the whole matter: Fear God, and keep his commandments: for this is the whole duty of man. For God shall bring every work into judgment, with every secret thing, whether it be good, or whether it be evil.” Eccl. 12: 13, 14.

And this work of judgment has also been committed to Christ, who thus becomes the Judge of all the earth.

“For the Father judgeth no man, but hath committed all judgment unto the Son. . . . And hath given him authority to execute judgment also, because he is the Son of man.”

#### The Vicar of Christ

But it is claimed by some that as Jesus is now in heaven and not present on the earth to exercise in the church that supreme authority with which he has been clothed by his Father, he has appointed a vicar, or vicegerent, or representative, to be head of the church on earth, and has invested this representative with supreme power and authority in religious matters. And this claim is true.

Before Jesus ascended into heaven, he informed his disciples that he would send as his representative, or vicegerent, the Holy Spirit, to be their teacher, guide, and counselor. John 16:7-15. The disciples were commissioned to preach the gospel, but were not given

authority over one another or over any human being, in spiritual things.

#### Retained in the Godhead

It is therefore plain that supreme religious authority has been retained in the keeping of the Godhead. God has given no one such authority but Jesus Christ, his Son, who is both the Son of God and the Son of man. Inasmuch, therefore, as Christ is part of the Godhead, and his representative on earth is also part of the Godhead,—the Father, the Son, and the Holy Spirit,—in reality there is retained in the Godhead all authority in religious matters.

#### Our Relation to God

Our relation to God is an individual and direct relation. It is not sustained through any other man or combination of men. No man or body of men, in the church or in the state, has any jurisdiction over our relations to God. No man

is to be ruler or judge over man in things pertaining to religion. And God's supreme authority will ultimately be acknowledged by every creature.

"So then every one of us shall give account of himself to God." Rom. 14:12.

#### Assumption of Authority by Men

It is because these principles have not been understood or heeded that men have



**WORSHIP INTERFERED WITH BY THE STATE**  
Christians surprised by troops while worshiping in a cavern.

assumed authority in religious affairs. And the assumption of authority by men in this realm has been the cause of all the great religious persecutions in history.

The assumption of the right by Congress to pass a Sunday law, or to enact any other religious legislation, is in reality the assumption of authority by men in religious things. This is to usurp the power of the Godhead, for the Godhead alone has authority in religious matters; and by this assumption Congress really puts itself in the place of God. It constitutes a claim by Congress of being the vicar or representative of God on earth, and invested with authority to legislate in religious matters.

#### Men Would Have Congress Usurp God's Place

This puts Congress between the individual and God, changes the direct relationship which exists between every soul and God into an indirect relationship

which runs from the individual through Congress to God, and makes each individual responsible not to God, but to Congress, for his religious opinions and practices.

And inasmuch as man in the place of God is nothing less than "the mystery of iniquity," it at once becomes clear how, in entering upon a course of religious legislation, the United States will take

the backward path to Rome, violate all the principles of the gospel of Christ, and take its place in the ranks of the great persecuting powers of history.

For as in the past, religious persecution has always been the result of the assumption of authority by men in the realm of religion, so today, when men again assume authority in religious things, persecution will inevitably follow.



## A Tremendous Parallel Between Rome and the American Republic

BY TAYLOR G. BUNCH

DR. JAMES S. McGAW, field secretary of the National Reform Association, in a speech delivered in Medford, Oregon, June, 1913, said:—

"America is not safe. He who says it is, has never put his ear to the ground and listened to the rumblings. There is a tremendous parallel between the United States today and Rome just before she went down."

This National Reformer stated a fact that the events of the last half century compel us to recognize whether we wish to or not. Webster defines tremendous as something "to be trembled at." Yes, indeed, there is a tremendous parallel between the American Republic at the present time and Rome just before she made her final plunge,—a parallel that ought to cause every American to tremble.

We could draw many parallels between the two republics, but the greatest evidence that we are following in the footsteps of Rome is the presence in this nation of the National Reform Association and similar organizations, whose plans, if successfully carried out, will unite church and state, as was done by the "reformers" of Rome, and will cause a repetition of what naturally followed at that time—the Dark Ages. The work of the National Reform Association and kindred organizations makes the parallel truly tremendous.

The beginning of the union of church

and state that brought on the terrible persecution in Rome was a little innocent-looking Sunday law decreed by Constantine in 321 A. D. This law had exemption clauses for certain classes, which were later removed, and there was no stopping place till Europe's soil was drenched with the blood of a hundred million martyrs.

The cause of the prevailing evils in the United States was attributed by Dr. McGaw to the fact that all over the land factories and mills are running and men and women are working on Sunday. The remedy suggested was religious legislation, especially well-enforced Sunday laws. Just before Rome fell there were men who recognized the evils that were sapping the vitality of the nation, and they suggested and tried the same remedy proposed by Dr. McGaw for the United States. History testifies to the fact that the remedy was worse than the disease, and the result was not a reformation, but the Dark Ages. The results of the work of the "national reformers" of Rome in the fourth century ought to be a terrible warning to the citizens of this great Republic, and a lasting rebuke to America's so-called reformers who advocate the same remedy now.

Our government is founded on the two great God-given principles of civil and religious liberty, which means an absolute separation of church and state; and

every martyr's blood, speaking from the ground, pleads most eloquently that we maintain these principles at any cost, and keep church and state forever separate.

The aim of these clamorers for religious legislation was thus expressed by Rev. M. A. Galt, at one time a prominent National Reform worker:—

"Our remedy for all these malefic influences is to have the government simply set up the moral law, and recognize God's authority behind it, and lay its hands on any religion that does not conform to it."

That was exactly what Rome did under a union of church and state. That was the reason the Waldenses fled to the mountain fastnesses of the Alps, and the Albigenses to the mountains of southern France. Here they were hunted like wild beasts, and put to the sword, because they dared to worship God according to the dictates of their own consciences and contrary to the decrees of the established church.

Shall we remain indifferent to the dangers that surround us, and fail to give the warning while these organizations, like so many submarines, are attacking the American ship of state? May this nation continue to be the home of the oppressed, the guardian of liberty, the land of the free, and the home of the brave.

#### **"Awake, Fair Liberty!"**

"She sleeps, she sleeps, fair Liberty,  
While Peace keeps watch from sea to sea;  
The bugle's blast, the cannon's roar,  
Resound through hill and vale no more.  
But hark to the voices that fill the air;  
She's never a Christian, though grand and  
fair.

She sleeps, we'll bind her with creeds while  
slumbering there!  
The drums are still, the sabers rust,  
The slain have moldered back to dust,  
And Peace keeps watch from sea to sea;  
Awake! awake! fair Liberty!

#### **"Awake! awake! fair Liberty!"**

Behold the chains they forge for thee;  
The hammers click, the anvils ring,  
With link, and lock, and key, and spring.  
Their subtle amendments that seem so fair  
Are fetters for Conscience to groaning wear.  
Awake! for God, and home, and freedom's  
sake.

With speech, and song, and plaintive prayer,  
They're forging chains for thee to wear;  
Ere friends, misguided, fetter thee,  
Awake! awake! fair Liberty!

"Beware! look back to ages when  
The state enforced the creeds of men;  
When Might rose up against the few,  
And sword and flame found conscience true.  
Thy Constitution proclaims to all  
The freedom to worship at conscience' call;  
Away with the night! 'tis freedom's day.  
Good-by, good-by, to ages dead,  
When Church and State in crime were wed;  
When millions, true, for conscience bled;  
Good-by, good-by, to ages dead."



### **Cardinal Opposed to State-Wide Prohibition**

"BALTIMORE, February 22.—Cardinal Gibbons in an interview today said:—

"I am strongly opposed to any State-wide prohibition bill, because I believe such a law cannot be enforced in a city like Baltimore.

"A law of this kind interferes with the personal liberty and rights and creates hypocrisy in the people. The history of the world demonstrates that man always will use intoxicating liquors.

"However, I am heartily in favor of temperance. I am also a firm believer in local option."—*Washington Herald*, Feb. 23, 1916.

It is safe to say that in all probability, if State-wide prohibition were adopted in Maryland, the law would not be enforced in Baltimore, and that largely for the reason that Cardinal Gibbons's coreligionists would persist in violating it, and this in turn because the cardinal and his church would not throw their influence strongly in favor of the law. If the Catholic Church were to excommunicate saloon keepers and liquor dealers generally, and demand the practice of total abstinence by its members, as many Protestant churches practically do, there would be little difficulty in enforcing the law either in Baltimore or in any other large city.

And why not? for if a city or a county may justly adopt local prohibition, there is certainly no principle violated when a State adopts a similar measure. If it is wrong for a State to interfere with "personal liberty" by adopting State-wide

prohibition, how can it be right for a city or county—a part of the State—to adopt local prohibition? It strikes us that the cardinal is not consistent. To oppose State-wide prohibition because one regards it as impracticable is one thing—one might do this and still honestly favor local option for utilitarian

reasons; but to oppose it because it interferes with personal liberty is quite another thing, and makes it impossible for the one so opposing to favor at the same time local prohibition. He who opposes State-wide prohibition in the interests of personal liberty necessarily opposes it in all its forms.

\* \* \*

## As a Correspondent Sees It

THIS letter, written by a minister who in 1888 was a candidate for governor of Indiana, is worthy of a careful reading, inasmuch as it sets forth briefly one phase of so-called National Reformism. Our reply, which follows the letter, should be read with equal care. The letter runs as follows:—

GRAND RAPIDS, MICH.,  
Nov. 18, 1915.

Editor LIBERTY,  
Washington, D. C.

DEAR COLABORER: I have just read in a copy of LIBERTY your war upon the Papacy and its works of the devil; and I applaud the war you wage, but regret your method. You are at a distinct disadvantage in allowing yourself to accept and entertain an issue between the Roman Church and civil government, or between any church and the civic state. When Rome asserts (if she does) that Christ is "Lord of lords and King of kings," she tells God's truth; but when she sets up the Papacy, or Roman Church, as Christ's representative, she puts up a lie, a fraud; and the one and only way to meet and foil her claim is to set up the righteousness of God as set forth in the person of Jesus Christ by his moral and humanitarian standard.

You are burdened with a wrong conception of the assumptions of all churches to be fiat and preordained custodians of the mission and message of Christ, and fail to see that he was the pure democrat who made all his promises to the individual. You are hampered by the Protestant idea, and need to see that Christianity is not a negation, not a protest of any kind against anything, but primarily the affirmative of God's rule, and that Christ is his greatest civic representative; and as he did more for the race than any other, he has the right to rule; and that his followers alone as his moral and humanitarian representatives can [ought to] be put into office.

The separation of church and state is now but the ghost of an old dead issue by which

you seem hampered. The Roman Church is Roman paganism versus Christ and progress. Join the issue where we can carry the best men and purest principles, and where it would exalt righteousness. The dismissal of Christ from our civic organism is as bad as Rome says it is, and Rome is as bad as you say it is. It was well enough to divorce a heathen church from a heathen state; but that is a graveyard issue.

I hope in good conscience that God will remember my good purpose in writing you these frank and deserving truths. Make the fight so that our victory will not go to the credit of Robert Ingersoll or Tom Paine, and their like, though they say that the church had disgraced the name of Christ. Do so, and God help you. I am

Yours truly,  
J. S. HUGHES.

*Holland, Mich.*

P. S.—A Christian National party would force Rome to the issue, and there her defeat would be sure and permanent, and our victory the righteous overthrow of all ecclesiasticism, and the settling down upon the highest ideal of a world-wide Christian democracy.

J. S. H.

The article referred to was, we suppose, the one by P. T. Magan, M. D., "The Pope, the Powers, and Peace." It was not intended to be, nor was it, a "war upon the Papacy and its works of the devil." It was a plain setting forth of definite facts touching a certain phase of political Romanism, against which Protestants not only protest, but from which many Catholics dissent.

The trouble with the theory advocated by Mr. Hughes is that it seeks to displace the Papacy of the Pope by a Protestant papacy not one whit better. We understand perfectly that real Protestantism is not a mere negation, "but pri-

marily the affirmative of God's rule." But this does not mean God's rule of the state through some man or men, but his rule of individuals direct, by the power of his Word and Spirit upon the hearts and consciences of men. What was gained for liberty of conscience when Geneva refused the rule of Cardinal Sadolet and accepted that of Calvin? Let the ashes of Michael Servetus answer.

One thing, and one thing only, was gained; namely, that Calvin taught in theory what he denied in practice. Calvin insisted very strongly upon the direct individual moral responsibility of every soul to God. If Calvin had been loyal to this sound principle, he never could have been a persecutor. Other men followed the logic of Calvin's doctrine, and claimed for themselves and for others that freedom of thought, of speech, and of action that in practice Calvin denied.

We deny in toto that any man ever had, or that any set of men have today, any divine warrant for assuming to exercise civil authority in the name of Christ; that is, in his stead. What difference in principle was there between Protestant persecution under Elizabeth, and Catholic persecution under Mary? And what difference did it make to the Lollards of England whether they were hunted like wild beasts by papists or by Episcopalians? And what did it signify to the Baptists that in Germany, England, Scotland, Massachusetts, and Virginia, they were persecuted by Protestants instead of by Catholics?

**L**I**B**E****R****T****Y** opposes the evil principle of papacy rather than *the Papacy*. The only commission given by Christ to his church was to preach the gospel. And not only so, but he distinctly forbade his followers to attempt to exercise over one another any such authority as was ex-**

ercised by the Gentiles; he said, "Ye know that the princes of the Gentiles exercise dominion over them, and they that be great exercise authority upon them. But it shall not be so among you." Matt. 20: 25, 26.

Christ taught the direct accountability of every man to God. The theocracy of Israel was directly and distinctly abolished, to be no more until he came whose right it is. See Eze. 21: 25-27. Some of the people wanted to take Christ by force and make him a king on the occasion of his first advent, but he withdrew himself from them. See John 6: 15.

The time had not come for him to take the throne of his father David; nor has it yet come. Touching this matter our Lord himself said: —

"When the Son of man shall come in his glory, and all the holy angels with him, then shall he sit upon the throne of his glory." Matt. 25: 31.

Then, and not until then, does he appear as "Lord of lords and King of kings." Rev. 19: 16.

Any theocracy that could possibly be established now would only be man-made. All moral standards erected under such a theocracy could be only false standards. Any divine law, so called, that might be made the supreme rule in such a government, could be only a human interpretation of the real law of God, for that law is spiritual and can be discerned only spiritually. No merely human government has any right to undertake to administer the law of God; only the divine Being himself can do that. All man can do is to enforce the laws of justice and equality between men, and this is all God has given them any authority to do. To hold and to teach this is not infidelity, but Christianity; while to believe and to teach as does Mr. Hughes is to deny Christ, and to exalt man in his stead.

C. P. B.

## The Difference Between Our Dutch and Puritan Forefathers on Religion\*

THE typical Dutchman is a devout man. He could not respect himself if he did not reverence God. Religion was at the center of Holland's most glorious life, and it is impossible to understand the sturdy heroism and the cheerful industry of our Dutch forefathers without remembering that whether they ate or drank, or labored or prayed, or fought or sailed or farmed, they did all to the glory of God. The only difference between New Amsterdam and New England was this: The Puritans founded a religious community with commercial principles; the Dutchmen founded a commercial community with religious principles. Which was the better, I do not say; but every one knows which was the happier to live in.

The typical Dutchman is a liberal man. He believes, but does not persecute. He says, in the immortal words of William III, "Conscience is God's province," too sacred for man to invade. New Amsterdam became an asylum for the oppressed in the New World, as Old Amsterdam had been in the Old World. They hanged no witches, they flogged no Quakers. They granted peace and an equal chance before the law to all. They said, Love God as much as you can, and don't forget to love your neighbor as yourself.

The typical Dutchman is a brave, straightforward, kind-hearted, liberty-loving, law-abiding citizen — a man with a healthy conscience. He is a free man. Liberty is his passion. It runs in his

blood. The descendants of the old Batavians who fought against Rome are bound to be free at any cost. They hate tyranny in any form. That is the spirit of the typical Dutchman. Never has it been more needed than it is today, to preserve a government of the people, by the people, and for the people.

If William Penn had ever contemplated that around his festive board would sit those Puritans with whom he was familiar in England, he would have exclaimed, "Let all the savages on the continent come, but not them." If from any of the planets in our sphere there should come a being endowed with larger perceptions and observations than our own, but unfamiliar with our civilization or creeds, and should drop in at a New England banquet anywhere, and ask, "Who are these people?" he would be told, "They are the people who claim to have created this great republic, and to have put into it all that is in it that is worth preserving." If he should ask, "What is their creed and faith, and what do they worship?" he would be told to wait, and listen to their speeches. When finally he had gone out, he would say, "They worship their forefathers and themselves."

There is not a descendant of the Pilgrims today [unless he be a Sunday blue law radical — Ed.] who could stay in a ten-acre lot for three hours with his ancestors, to save his soul. There is not one of those gaunt, ascetic, and bigoted men, who sang through their noses and talked cant, who would not have every one of his liberal present-day descendants put in the lockup as roistering blades, dangerous to the morals of the community.

The Puritan was a grand character because of what circumstances made him. This magnificent man never would have amounted to much, never would have founded a state, never would have

\* Compiled by the editor, from speeches made by Chauncey M. Depew at the sixth annual festival of the New England Society of Pennsylvania, and at the eighty-fourth anniversary banquet of the New England Society of New York, and at the fifth annual banquet of the Holland society of New York. Also extracts from a speech by Rev. Dr. Henry van Dyke, at the fifth annual banquet of the Holland Society of New York, Jan. 10, 1890.

built a government, if Providence had not sent him to Holland. The Pilgrim who went to Holland, and there learned toleration,—there learned to respect the rights, the opinions, and liberties of others; there learned the principle of the common school and universal education,—when he got to Plymouth Rock, never burned witches, never hanged Quakers, never drove out Baptists [never favored compulsory religion or Sunday laws—Ed.], but always fought against all this. It was the Puritans, 20,000 strong, who came years afterwards, who did those things; and, except for the leaven of the Pilgrim who had been to Holland, the Puritan would be without honor and prestige today.

Four hundred Puritans went to Holland, every man with a creed of his own, and anxious to burn at the stake the other three hundred and ninety-nine because they did not agree with him. They found a country in which there was universal toleration of religion, in which the persecuted Jew could find an asylum, in which even the Inquisitor could be safe from the vengeance of his enemies. And then Pastor Robinson, as they went on board the ship, told them in a sermon that the whole truth was not given to Luther, though he thought so, nor to Calvin, though his disciples said so; but that in the future there would be a development of the truth which they should nurse and unfold.

Holland, at a time when there was no light for man anywhere in the world, preserved the principles of civil liberty. Holland, at a time when the bigotry of the church crushed out all expression of

conscience and individual belief, had her toleration and religious liberty. The people of Holland fought off forever, during its whole existence, the power of the Roman Empire, that they might govern themselves upon the principles of their own manhood and of civil and religious liberty. For a century Holland was the safe-deposit company of the rights of man. For a century Holland



CHURCH AT DELFSHAVEN

*It was here the Pilgrims worshiped before leaving Holland to find a home in the New World.*

was the electric light which illumined the world and saved mankind. It kept alive for all the earth the expiring spark of liberty. That land was the sole asylum on the globe for persecuted conscience and the victims of tyranny. God gave the commissions of individual liberty and the highest civilization to the Puritan Pilgrims from Holland.

William the Silent, John of Barneveld, and William III stood guardians of all that had been received from the past which was precious to humanity, and they preserved to posterity all that constitutes the intellectual, civil, and religious freedom of the people of Europe and the Republic of the United States.

The glory of the Dutch is that they stood firm and undismayed at a period in the history of nations when all the powers of darkness, supplemented by all the powers of the visible church and of the state commanded by a sovereign who controlled almost the whole of the civilized world, opposed them. That sovereign, thus backed, thus supported, said to the Dutchman: "Surrender your liberty to my autocracy, surrender your religion to my dogma, and you shall be free from persecution. If you resist my autocracy, if you deny my dogma, then will your cities be sacked, your country ravaged, your old men murdered, your young men tortured, and your women dishonored;" and the Dutchman said, "I accept all these dangers, rather than fetter my conscience and lose my liberty."

You may search the histories of the peoples from the beginning of recorded time, and there is nothing in the efforts made by man to preserve the precious principles which make life worth the liv-

ing which equals the eighty years' fight of the Dutch against the whole world for the liberties of which we are the inheritors. In that fight the Dutch created a republic which had in it the federal principle adopted by the United States, and a declaration largely copied by Jefferson in the Declaration of Independence.

Where you see the genius of trade making the wilderness a garden, and the watercourse resound with the hum of busy industry and religion enforced by the machinery of the state, that is Yankee. Where you see coming from the church of the Catholic, from the synagogue of the Jew, from the meeting-house of the Episcopalian, the Methodist, the Baptist, the Presbyterian, or the Unitarian, the people, who, while worshiping according to their own ideas, recognize the equal right of all men so to worship,—that is Dutch.

The Dutchman liberalized the Puritan, and after hard work upon him for thirteen years transformed him from a Puritan to a Pilgrim.



## "Starvation and Anarchy Will Follow National Prohibition"

BY W. E. GERALD

THE direful and startling prediction that "starvation and anarchy will follow national prohibition," was made by Congressman James A. Gallivan in a speech denouncing prohibition, at the annual banquet of the Brewers' Association of Massachusetts, at the Copley-Plaza Hotel, on the evening of May 26, 1915.

As reported in the Boston *Post* of May 27, dealing with the economic side of the question, Mr. Gallivan said:

"I think it high time for some one to swat the American people with something to bring them to a realizing sense of what this prohibition movement really means—what it would mean in moral and financial loss to the country. How many of the people who prate so glibly of nation-wide prohibition—how many of them do you suppose have the slightest conception of what it means? Those people particularly who go up and down the land

regulating other people's conduct and morals for them—for a consideration—how many of that class know or care what the ultimate cost would be of this monstrous evil they are trying to foist upon us in the name of a righteous reform?

"Well, a few of the wise ones do. And, believe me, they are fortifying themselves against the day of reckoning—from the sainted apostle of modesty and pure English, Billy Sunday, down to the humblest disciple of grape juice salvation. They're all right, but what about you and me? Where do we get off when the millennium comes?"

"There are 242,221 persons or corporations dealing in or manufacturing liquors in this country who would be put out of business by national prohibition; there are 1,115,589 men who earn their daily bread directly from the manufacture and sale of liquors who would be rendered jobless; there are 736,792 carpenters, painters, machinists, and others in allied industries who would be thrown out of work. Thus there are almost 2,000,000 men

whom our friends, the prohibitionists, would deprive of a livelihood without the slightest attempt to find employment for them, an immense industrial army turned loose into the streets to starve."

What a scarecrow for a man of intelligence to invent, even if the preceding statistics were a correct representation of facts, which fortunately they are not. Let us consider the logic of Mr. Gallivan's argument. Such logic would forbid the abolition of the slave traffic, so that the slave traffickers might not be deprived of a livelihood. It would prevent the legal prohibition of the white slave traffic, for the sole purpose of enabling those who are engaged in the traffic to make a livelihood out of the business.

Mr. Gallivan further says:—

"And I tell you, gentlemen, if this thing ever comes to pass, it is a question of whether that army will supinely submit to orderly starvation, or whether it will fight."

So Mr. Gallivan thinks there would be civil war as one result of prohibiting the liquor traffic. Verily I think every true patriot would rush to arms with righteous vengeance to defend his wife and children from the onslaught of 2,000,000 (?) men banded together in so low, so base, so vile a cause as the interests of the liquor business.

The sympathy Mr. Gallivan expresses for the liquor business, in its difficulties incident to national prohibition, leaves the impression that he would accept a generalship in this great army.

Mr. Gallivan goes on with the following direful prediction of financial panic:—

"Believe me, gentlemen, if you are legislated out of business, if your ship goes down under the attacks of these reformers and fanatics, you will carry down with you a concourse of others whose shrieks will split the financial heavens in twain. It will mean panic, ruin, chaos. And all for what?—For a dream, a chimera, a will-o'-the-wisp. Not only will economic chaos result from nation-wide prohibition, but something very much like social anarchy will surely develop."

Anything but "gentle" and "imposing" would be the appearance of this motley army of brewers at the head of 2,000,000(?) jobless men, marching on to overthrow the government, because they cannot have this particular way of getting their livelihood—the manufacture and sale of intoxicating beverages! Rebellion, murder, and anarchy are the offspring of the threefold union of the saloon, brewery, and distillery.

I fancy I can hear a chorus of voices from the sober element of this nation, saying, "We will guarantee that not a single man of all this great army who forsake the manufacture of intoxicating liquors shall fail of having a chance to work at an honest trade. Grant the abolition of this terrible curse of licensed manufacture and sale of liquor, and we will save enough in jails, courts, hospitals, insane asylums, reformatories, poorhouses, etc., to put these men on the retired list the remainder of their lives, pay their former wages, and then have some left to supply them with gospel literature."

Mr. Gallivan further states:—

"Thoughtful men already see this danger, the danger of an entire nation made into sneaks and lawbreakers by the prohibition of a traffic that simply cannot be suppressed."

Please notice that Mr. Gallivan says it "cannot be suppressed," and yet his hue and cry has been principally over 2,000,000 men engaged in the manufacture of the stuff who would be out of a job; that is, would have to quit making and selling liquors. Thus, if his last statement is true, it nullifies the principal part of his first statement. Both cannot be true.

It is high time that this monetized, demonized, criminalized, brutalized, anarchistic, law-defying liquor organization receive its deathblow, and that men be elected to public office who will enforce the law and defend the public weal.

*Belgrade, Maine.*

# EDITORIAL

## An Illuminating Historical Lesson Concerning Religious Establishments

It is a singular historic fact that as soon as Christianity became popular in any nation, the tenets of the most numerous sect were incorporated into the organic law of the land.

But such a union of religion with the civil government is incompatible with the teachings of the New Testament. This formerly universal custom of uniting the church and the state in so-called Christian nations was not an outgrowth of true Christianity, but a practice borrowed from pagan nations, whose prevailing religions were always fostered by the civil governments.

In pagan Rome "the Roman emperor was the supreme pontiff (Pontifex Maximus), the gods were national, and the priests were servants of the state." During the papal supremacy in the Roman Empire the civil officers were subordinated to the authority of the ecclesiastical officers. The hierarchy laid claim to absolute power in heaven, on earth, and in hell, over the souls and bodies of all mankind. The spiritual officers assumed the right of coercion in religious, moral, and civil matters, the right of restraining and forbidding the exercise of individual reason and judgment, as a mortal sin against both church and state. They arrogated to themselves the sole right to interpret and enforce the doctrines of Scripture; the right to govern human thought, human speech, human liberty in all things, in private as well as in public; and the secular arm was called upon to do the bidding of the hierarchy as a means of compulsion or subjugation.

The kingdoms of Europe for many centuries were thus dominated by the religious autocracy. The churchmen were the politicians, the rulers, the ad-

ministrators, the judges of the courts, and even the generals of the armies in the wars of extermination against the heretics. They arrogated to themselves the absolute control of every avenue of human experience and development; no continent or island could be discovered without the hierarchy's laying claim to it and demanding submission and revenue; no scientific theory could be advanced or discussed contrary to the teachings of the church; no general knowledge could be diffused for the edification and enlightenment of the common people, without the permission of the superior officers of the church.

In short, the church became the sole interpreter of divine revelation and the governor of all the concerns and relations of life between God and man and between man and man, and consequently the jealous guardian and defender, not of human rights, but of religious and civil despotism. This arrogancy of claim and absolutism in the administration of supreme power and authority provoked a great controversy which ultimately broke out into open conflict, resulting in a victory for the cause of liberty for the individual conscience and for human rights. The marvel of all marvels is that this conflict between ecclesiastical power and human liberty failed to teach a lasting lesson to the victors in the cause of freedom.

### The Fatal Error of the Reformers

After the peoples and rulers had successfully revolted, through the Reformation movement, against the usurpations and some of the glaring corruptions of the see of Rome, the Reformers committed the fatal error of forming alliances between the Protestant churches

and political governments. They protested against Rome's alliance with the civil government, and then substituted their own Protestant domination in lieu of the papal domination. They believed that the civil rulers were morally and divinely bound to prescribe religious belief and worship, and to exact conformity thereto, provided it was the true religion, which could be none other than their own creed. Christian Protestant princes must defend and enforce religion with the secular arm, and establish a state church and worship, or Christianity would be insecure.

A few had clear enough vision to detect the fatal error, and sufficient courage to raise their voices in protest against this unholy union. They declared that "spiritual dominion rested solely on grace and truth;" but their voices were soon hushed, and to this day every Protestant country in Europe has an established religion, and it has been redemonstrated that such a union is always to a country's detriment, not to its glory.

#### The Rock upon Which England Stranded

When Henry VIII, who because of his zeal for the Church of Rome had obtained the title of Defender of the Faith, came to an open rupture with the court of Rome, the English Parliament immediately declared him the head of the Church of England. The object sought was to bestow upon their civil sovereign the same power and authority which the Pope of Rome had for so many centuries arrogated to himself. It was not to vindicate true principles, but to strike a blow at Rome. Truth and right principles were sacrificed for the sake of policy and expediency. The Act of 25 Henry VIII (1534) secured the submission of the clergy, and centered in the throne the whole power of ecclesiastical legislation, and henceforth made the king of England the supreme head of the church;

as Gladstone says, "enacted the Royal Headship," "verging closely," as said the Bishop of Chester, "on the undefined supremacy assumed by and henceforth denied to the Pope."

The Act of 13 Elizabeth (1571) formulated and settled the religious belief of the Church of England by imposing the Thirty-nine Articles as its legally authorized and required form of faith. The Act of Uniformity of Charles II (1662) resettled the legal form of worship in



Here men went to their death not only for offenses against the state but for offenses against the religion of the state.

the Church of England, which substantially has remained the same to the present day. Green, in his "Short History," says, "From that time to this the church has been unable to meet the varying spiritual needs of its adherents by any modification of its government or its worship." The church establishment of England assumed that the state had the prerogative not only to protect but to promulgate what it deemed religious truth, and to punish and suppress religious error.

#### An Old Pagan Fiction Adopted

The national establishment adopted the old fiction that every citizen of the state was also a member of the established church, and consequently subject to its religious and financial obligations. The London *Times* of Oct. 9, 1876, said, "The fact is that all Englishmen are by law members of the church." Under this *delusive* doctrine, the state exacts recog-

nition and contribution from those who claim the right to be separate and independent of the legal religion, and places the dissenter uniformly in a state of comparative subjection and of decided inferiority, and "puts a mark upon him of expressed and implied degradation."

In 1664 a law was enacted for "the suppression of seditious conventicles, which inflicted on all persons, over sixteen years of age, present at any religious meeting of five or more persons in any other manner than is allowed by the practice of the Church of England, a penalty of three months' imprisonment for the first offense, of six months for the second, and seven years' transportation for the third. If the offender returned, he was doomed to death. This act was rigidly enforced, and filled the jails with ministers and laity."

#### The Act Which Sent Bunyan to Prison

But this Conventicle Act did not satisfy the bigoted and intolerant spirit of cruel oppression on the part of the clergy of the established church. In 1665 all persons in holy orders who had not subscribed to the Act of Uniformity were required to take an oath that it was never lawful, under any circumstances, to take up arms against the king, or to make any attempt to alter the government of church or state. Those who refused to take this oath were prohibited from teaching in schools, or to come within five miles of any city, corporate town, or borough sending members to Parliament.

Then followed the Test Act (1672), enforcing upon all persons holding public office a declaration against transubstantiation, and imposing the legal obli-

gation of receiving the Lord's Supper within three months after acceptance of a public office. Only those who have read the history of the bloody persecution of this era have the faintest conception of the terrible hardships and excruciating sufferings inflicted upon dissenters and nonconformists in those days. Bigotry, intolerance, and malignant ingenuity of this "Protestant" régime could hardly be excelled even by the papists when they were in supreme power. The established religion was enforced with merciless rigor, and for violating or refusing to conform to some of these religious exactions enforced by civil statute, John Bunyan was imprisoned twelve years in Bedford jail.

#### The Entering Wedge of Persecution

The union of church and state started in 321 A. D., when Constantine the Great enacted the first Sunday law. This opened the door for a flood of religious legislation to follow, and it was always justified by this precedent of Constantine's first Sunday law.

There was no stopping place until every belief of the established church was legislated into law and enforced by the state upon all nonconformists. The blood of a hundred million martyrs cries out from the soil of Europe to God that he should avenge their blood for the dying testimony they have borne to the truth.

The American colonies imbibed the intolerant spirit of the mother country. They established their worship by law, and compelled all to conform to their religious tenets, to attend divine service on Sunday, and to support the clergy whether they accepted their teachings or not. They shamefully persecuted the



THE AX AND THE BLOCK

Quakers, Baptists, and every other dissenting sect simply because they were in the minority. The Puritanical Sunday laws which they adopted from Charles II, were enforced upon all alike, with pharisaical exactness, even to the death penalty. Some of these medieval Roman and Puritan relics of religious legislation are still shackled upon our consciences in some of the States in the Union, irrespective of individual faith in the matter.

#### Jefferson's Prophecy

Thomas Jefferson, in referring to these religious fetters which the States were unwilling to repudiate as they came into the original Union, uttered a prophecy as to the ultimate consequences, in the following significant language:—

"The shackles, therefore, which shall not be knocked off at the conclusion of this war,

will remain on us long, will be made heavier and heavier, till our rights shall revive or expire in a convulsion. . . . A single zealot may commence persecution, and better men be his victims."

This is exactly what is taking place today in some of the States where drastic Sunday laws are being enforced upon those who observe as holy time another day than Sunday. It is high time that a strong voice of protest be raised against ecclesiastical encroachments upon our free institutions and the honest conscience of the individual. A complete divorce of religious establishments from the state is in harmony with Christ's teachings, and is the only sure basis of peace and prosperity. Let us keep the church and state forever separate, that truth, justice, and liberty may prevail.

C. S. L.



## The Tennessee Sunday Law Cases

SHORTLY after this number of LIBERTY reaches its readers, five Seventh-day Adventists living in the hills, seven miles north of Goodlettsville, Tenn., will have been placed upon trial at Gallatin, the county seat of Sumner County, that State, charged with nuisance for violation of the antiquated Sunday law of that commonwealth.

These men are all believers in and observers of the seventh day of the week, according to the fourth commandment of the decalogue. They have therefore no moral scruples against treating the first day of the week as secular or common time. However, out of consideration for the feelings of their Sunday-keeping neighbors they have made a practice of doing only private work on Sunday, not differing much in this respect from their neighbors, many of whom do from time

to time little odd jobs on Sunday, such as cleaning out stables, cutting a supply of stove wood for the day, digging potatoes for their Sunday dinner, mending broken harness, or getting a wagon ready for an early start to the city Monday morning.

One of the accused men is said to have set out a few tomato plants on Sunday. He is a carpenter, and wished to leave for his place of work the next morning. Another dug some early potatoes for dinner, and while so digging from the strongest and most forward hills cut a few weeds and hoed some of the other hills in the row.

Probably a score of other men, not Seventh-day Adventists, had done similar work from time to time, but only Adventists were indicted, because the work they did, or are alleged to have done, was

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The people of these United States are the rightful masters of both congresses and courts; not to overthrow the Constitution, but to overthrow the men who pervert the Constitution. . . . I insist that if there is anything which it is the duty of the whole people to never intrust to any hands but their own, that thing is the preservation and perpetuity of their own liberties and institutions.—Lincoln's Speeches.

regarded as a protest against the dogma of Sunday sacredness, while in the case of the others there was no element of protest against the prevailing creed of the neighborhood.

We are sure that all of our readers will await the verdict in these cases with deep interest. It will decide not only

whether these good citizens are to be fined and perhaps imprisoned for exercising their God-given right, but also whether in Sumner County, Tennessee, the civil law is to be used to punish men for practical dissent from the religious beliefs and practices of their neighbors.

C. P. B.



## Attitude of Catholics Toward Non-Catholics

RECENTLY the editor of *LIBERTY* received a letter from a Catholic member of the Wisconsin Legislature which contained the following paragraph on the attitude of the Catholic Church and Catholic periodicals toward Protestant churches and non-Catholics:—

"The Catholic Church does not publish periodicals denouncing the other religions, but always includes them in its prayers. It does not single out and criticize either the Methodist, Baptist, Congregationalist, Episcopalian, Lutheran, or Unitarian, etc. Everybody has a right to choose his own religion, or be an unbeliever. God gave us the inherent right of a free will, and we can choose our own path through the pilgrimage on this earth for the eternal goal. All we can do, is to see for ourselves, and not find fault with our brethren. Live the life of a Christian; give a good example of a righteous life, and let God be the judge."

Evidently this Catholic legislator has never read the esoteric teaching of the Catholic Church, nor the *Western Watchman* and a score of other typical Catholic periodicals. For the enlightenment of our friend and others who may entertain a similar notion, we will just quote the following two paragraphs from the *Western Watchman*, under date of Sept. 26, 1912, concerning the attitude of Catholic periodicals toward Protestantism:—

"Today the whole world believes that Protestantism, and not the Catholic Church, is the mother of all abominations, the scarlet woman and the whore of Babylon. The unchurched . . . millions who disgrace every civilized land are the waifs of the Reformation. The disrupted homes, morgues of plighted love, are the handiwork of the Reformation. The debauchery in high and low life in every land

where Protestantism holds sway attests the general loosening of bonds of morality caused by the Reformation. Protestantism has become the synonym of unbridled lust, domestic infidelity, and irreligion throughout the world. Compared with England, Japan is clean. Judged on the score of honesty, the United States stands below southern Italy. In divorce and illegitimacy the Protestant peoples are first, and all the rest nowhere. . . .

"Protestantism is par excellence the religion of dirt. When it disappears there will be a monster Augean stable to clean out; and the nations will feel relieved of a plague that threatened to last forever. The world is vile and sinful; but filthy as it is, it is far too pure for Protestantism!"

The February number of *Truth* (Roman Catholic) contains a startling news item from "the correspondent of the Catholic Press Association," concerning an address which Pope Benedict XV delivered to the "Defenders of the Faith," in the city of Rome, on Dec. 18, 1915. In this address the present Pope assails the Protestant churches and the free public school system in most scathing and condemnatory terms. Certainly, we could not possibly cite any higher authority than this address upon the attitude of the Catholic Church toward Protestantism and republican institutions. We will quote a few extracts from this very recent address, as follows:—

"What are those emissaries of Satan doing, who, in the midst of the holy city, build temples wherein God is refused true worship, establish pestilential chairs whence to diffuse errors among the people, spread broadcast lies and calumnies against the Catholic religion and its ministers?

"These diabolic arts are nothing but attacks against the faith of the children of Rome,

attacks all the more dangerous for their frequency, and all the more insidious in that they are accompanied too often by the enticements of temporal advantages. Ah, those poor fathers of families who are offered free education for their children at the price of their abandonment of the Church! . . . There is no need to go further in describing the danger which threatens the Faith of the children of Rome; it is enough to pass through the streets of this dear city to understand the innumerable devices by which the Catholic Faith is attacked in this its natural seat. . . . Who will not grieve, first for the harm which would be brought on this holy city, secondly the scandal to the Catholic world, if Luther and

Calvin planted their tents permanently in the city of the Popes? . . . The plot of these robbers must be destroyed by a strong organization of Defenders of the Faith."

These citations need no comment. They speak for themselves as to the attitude of the Catholic Church toward Protestantism. It must be apparent to the reader that there is a world of difference between the exoteric and the esoteric teaching of the Catholic Church in open politics and inside the church.

C. S. L.

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## What Constitutes a Union of Church and State?

THE *Christian Statesman* has always professed to be opposed to "a union of church and state," but in favor of "a union of religion and the state." By this we have always understood the *Statesman* to mean that it was opposed merely to the setting up of a state church, such as exists in England, Germany, Sweden, Norway, etc., and in all Roman Catholic countries.

But on page 26 of the *Statesman* for January, 1916, in a special article by James S. Martin, M. A., general superintendent of the National Reform Association, we find this quoted approvingly from a report by the Senate Committee on Privileges and Elections, submitted June 11, 1906:—

"The fact that the adherents of the Mormon Church hold the balance of power in politics in some of the States enables the first president and twelve apostles to control the political affairs of those States to any extent they may desire. Thus, a complete union of church and state is formed."

The words, "Thus a complete union of church and state is formed," tell the exact truth, no matter what church or churches it may be that either singly or combined are enabled to control the state—shape its policy, choose its officers, dictate its legislation.

That this is true was recognized more than eighty years ago in the famous Sunday Mail Reports, one to the Senate and

one to the House, submitted to those bodies respectively, Jan. 19, 1829, and March 4 and 5, 1830. Among other patent truths and wholesome principles the Senate Committee on the Post Office and Post Roads, Hon. Richard M. Johnson of Kentucky, chairman, set forth this:—

"Extensive religious combinations to effect a political object are, in the opinion of the committee, always dangerous. This first effort of the kind calls for the establishment of a principle which, in the opinion of the committee, would lay the foundation for dangerous innovations upon the spirit of the Constitution, and upon the religious rights of the citizens. If admitted, it may be justly apprehended that the future measures of the government will be strongly marked, if not eventually controlled, by the same influence. All religious despotism commences by combination and influence; and when that influence begins to operate upon the political institutions of a country, the civil power soon bends under it; and the catastrophe of other nations furnishes an awful warning of the consequence."—"American State Papers," Class VII, p. 225.

The demands made then were not nearly so comprehensive nor so clearly at variance with the guaranties of the national Constitution as are the demands made now by the *Christian Statesman* and those who are more or less in sympathy with the principles and theories of civil government for which that journal stands. Then, the petitioners were simply asking that the government discontinue its Sunday work in the matter of

regarded as a protest against the dogma of Sunday sacredness, while in the case of the others there was no element of protest against the prevailing creed of the neighborhood.

We are sure that all of our readers will await the verdict in these cases with deep interest. It will decide not only

whether these good citizens are to be fined and perhaps imprisoned for exercising their God-given right, but also whether in Sumner County, Tennessee, the civil law is to be used to punish men for practical dissent from the religious beliefs and practices of their neighbors.

C. P. B.



## Attitude of Catholics Toward Non-Catholics

RECENTLY the editor of *LIBERTY* received a letter from a Catholic member of the Wisconsin Legislature which contained the following paragraph on the attitude of the Catholic Church and Catholic periodicals toward Protestant churches and non-Catholics:—

"The Catholic Church does not publish periodicals denouncing the other religions, but always includes them in its prayers. It does not single out and criticize either the Methodist, Baptist, Congregationalist, Episcopalian, Lutheran, or Unitarian, etc. Everybody has a right to choose his own religion, or be an unbeliever. God gave us the inherent right of a free will, and we can choose our own path through the pilgrimage on this earth for the eternal goal. All we can do, is to see for ourselves, and not find fault with our brethren. Live the life of a Christian; give a good example of a righteous life, and let God be the judge."

Evidently this Catholic legislator has never read the esoteric teaching of the Catholic Church, nor the *Western Watchman* and a score of other typical Catholic periodicals. For the enlightenment of our friend and others who may entertain a similar notion, we will just quote the following two paragraphs from the *Western Watchman*, under date of Sept. 26, 1912, concerning the attitude of Catholic periodicals toward Protestantism:—

"Today the whole world believes that Protestantism, and not the Catholic Church, is the mother of all abominations, the scarlet woman and the whore of Babylon. The unchurched . . . millions who disgrace every civilized land are the waifs of the Reformation. The disrupted homes, morgues of plighted love, are the handiwork of the Reformation. The debauchery in high and low life in every land

where Protestantism holds sway attests the general loosening of bonds of morality caused by the Reformation. Protestantism has become the synonym of unbridled lust, domestic infidelity, and irreligion throughout the world. Compared with England, Japan is clean. Judged on the score of honesty, the United States stands below southern Italy. In divorce and illegitimacy the Protestant peoples are first, and all the rest nowhere. . . .

"Protestantism is par excellence the religion of dirt. When it disappears there will be a monster Augean stable to clean out; and the nations will feel relieved of a plague that threatened to last forever. The world is vile and sinful; but filthy as it is, it is far too pure for Protestantism!"

The February number of *Truth* (Roman Catholic) contains a startling news item from "the correspondent of the Catholic Press Association," concerning an address which Pope Benedict XV delivered to the "Defenders of the Faith," in the city of Rome, on Dec. 18, 1915. In this address the present Pope assails the Protestant churches and the free public school system in most scathing and condemnatory terms. Certainly, we could not possibly cite any higher authority than this address upon the attitude of the Catholic Church toward Protestantism and republican institutions. We will quote a few extracts from this very recent address, as follows:—

"What are those emissaries of Satan doing, who, in the midst of the holy city, build temples wherein God is refused true worship, establish pestilential chairs whence to diffuse errors among the people, spread broadcast lies and calumnies against the Catholic religion and its ministers?

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handling mails; now, it is unblushingly insisted that the government shall become aggressively the champion of the Christian religion and of its institutions to the extent not only of ceasing its own activities upon the "Christian sabbath," but also of forcing the observance of Sunday upon the individual citizen, at least to the extent of requiring him to refrain upon that day from his ordinary pursuits.

But Richard M. Johnson and his fellow committeemen were right, fourscore

years ago, when they took the position that the intent of the Constitution was not only to inhibit the establishment and endowment of a state church, but to withhold from Congress the power to determine for anybody any religious question, or to impose upon any the discharge of any religious obligation. Anything less than this would mean a practical union of church and state, and with it the subversion of American liberty, the denial of fundamental principles.

C. P. B.



## "The Invisible Rulers" are Invisible Foes

OF late quite a little has been said in Catholic publications about the see of Rome being "the invisible sovereign" of every government in every land, and the cardinals "the invisible rulers" of their respective countries, as the real "princes of the blood."

Some one has wisely remarked that the most terrible and most treacherous enemy is one who is invisible. You can openly combat and hope to conquer the foe that is before you in the open, with all advantages equal; but the greater danger is in the hidden, invisible enemy who lies in wait for you like a hungry lion crouching to spring upon his prey. This is, however, exactly the kind of warfare that is being conducted by the "invisible" foes of free speech, a free press, and religious liberty in America.

Nor are the federated organizations of the Catholic Church the only "invisible" foes who are seeking to tear down the pillars of human liberty as guaranteed by the Federal Constitution. Some Protestant organizations and sects are employed as the visible agents of an "invisible sovereign," who keeps in the background, while her agents undermine the principles of civil and religious freedom upon which the Republic is founded. In a stealthy, scheming method, these agents of tyranny are endeavoring to have the national government commit itself to the old system of a union of re-

ligion with the state. All sorts of underhand tricks in politics are resorted to in getting their schemes launched upon the legislative sea.

You ask, Do not these invisible agencies love liberty? Indeed they love liberty intensely, as Judas did the silver for which he betrayed his Master! They love to possess it, but only for themselves. Religious liberty to them means only religious liberty for them, and abject submission for all others. That is the kind of liberty the tyrant and the despot believe in. The tyrant on the throne may say, "My government is a free administration because I am free to do as I please." A free republic is a republic only in name when it allows the majority to coerce the consciences of the minority in matters that pertain only to God and religion.

### The Tyranny of the Majority

That is exactly what some Protestant organizations are advocating concerning the enforcement of Sunday laws upon those who happen to differ with them upon this question. They say the seventh-day observer should be compelled by statute to observe Sunday also, because he is in the minority. If he ever swings his minority into the majority column, then he can exact a penalty of his former oppressors and even up accounts. This was the logic of a speech

by a leading Protestant clergyman in Washington as he spoke recently to the Woman's Interdenominational Union in behalf of the Sunday bills now pending before Congress.

#### The Cause of Persecution

The desire on the part of the clergy in the past for dominance over a dissenting minority in religious matters, was the prime cause of all the bloody persecutions during the Middle Ages. Another

cause for much of the persecution in the past was a failure on the part of the church and the state to recognize a distinction between civil and religious requirements, or the duty men owe to God alone and the duty they owe to their fellow men. The state would never again be guilty of religious persecution if it recognized this distinction, and operated only in the sphere of purely civil obligation. The individual should be left free in things pertaining to God. C. S. L.



## What is Meant by "Immoral"?

THIS question is a pertinent one just now, for the reason (1) that in Tennessee the Adventists are accused of exerting an immoral influence by refusing to keep Sunday strictly; and (2) because of the campaign launched by our Catholic fellow citizens to so broaden the meaning of the term "immoral" as to exclude from the mails books, periodicals, etc., attacking certain doctrines and practices of the Catholic Church and priesthood.

But we submit that as properly used in civil law, "moral" and "immoral" can have only a restricted meaning; as, for example, "moral" as "relating to the practice, manners, or conduct of men as social beings in relation to each other, as respecting right and wrong, *so far as they are properly subject to rules.*"—Webster.

In other words, we maintain that the state can of right take cognizance only of such outward acts as infringe in some tangible way the equal rights of others. That is to say, the state deals with immorality only in so far as its practice tends to destroy civil rights. Theft is forbidden, not because it is sin or morally wrong, but because it is an invasion of the rights of property. Murder, false witness, and adultery are forbidden and punished for the same reason—not because they are sinful, but because they infringe natural or acquired rights, and

tend to make person, property, and reputation unsafe.

To show what a wide range of meaning is given to the term "immoral" we quote the following statement from an article by Rev. George Batchelor, D. D., in the *Christian Register* of Jan. 20, 1916:—

"In 1824 Henry Colman was called to a new parish in Salem, Mass., by some young men who were not able to effect a settlement for him in any one of the existing churches. Unhappily his career was closed in seven years. Had he continued to preach for, say, twenty years, he would have been recognized as a precursor of Emerson and Parker. He founded a church without creed or covenant, prosperous for years without any limit to fellowship. When he published his inaugural address, Timothy Pickering, Postmaster-General under George Washington, an eminent Unitarian, printed a reply to the sermon, in which he said that such principles were opposed to morals and religion, and would destroy the foundation of society."

Now it is evident that the views set forth in Mr. Colman's inaugural as pastor of a Unitarian church could not have been immoral in the sense of being obscene or filthy, but only in the sense that they did not comport with the generally accepted views of man's moral duties; namely, of the duties imposed upon all men by the moral law, or, in other words, by the revealed will of God. But in this sphere governments can have no legitimate jurisdiction. Here every man must

have the widest latitude of thought, speech, and action, if religious liberty is to be preserved among men.

Nor does this mean that no restraint whatever can be exercised over human utterances. There are certain amenities due from man to man, the too flagrant violations of which may be punished as breaches of the peace. Violent, abusive, or profane language in a public place, especially if directed against an individual, may be properly held to be a breach of the peace, and may be punished as such; not as an offense against God, but as an offense against society; not as immoral, though it certainly is so, but as

uncivil. And this need not and should not be made a mere pretext, an excuse for punishing offenses against religion, or against the divine Being. It must not be in this country that statutes enacted for the purpose of conserving civilities, of safeguarding the amenities of everyday life, of preserving the peace of society, shall be construed as giving to our civil courts jurisdiction over the consciences and souls of men. Far better the few abuses that arise from unrestrained freedom than that liberty be restricted in the vain attempt to make men moral by civil law. Civil laws should punish incivility, not immorality.

C. P. B.

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## When Peru Went Free

UNDER the above headline William O. Stuntz, superintendent of the Peru District of the Methodist Episcopal Church, tells in the *Christian Advocate* of Jan. 6, 1916, of the struggle for religious toleration in this South American republic. He states that until the toleration act was passed in November, 1915, the statute books of Peru carried provisions making it possible to banish from the country for three years any one who held services of any other religious denomination save the Roman Catholic, the constitution prohibiting any public worship or ecclesiastical functions except those of the state church.

Two years ago, when the bill providing for religious toleration was first introduced into the Peruvian Congress, there were only four dissenting votes, three of them from Catholic priests. When the bill came up for the second reading, the Catholic Church put forth a strenuous effort to defeat the measure. After two years of hard work in opposition to this measure, the state church was able to muster only twelve opposing votes in the house against the bill.

Dr. Stuntz declares that "it was a red-letter day in Lima when the law was officially announced by congress." An hour before the joint session of the senate with

the deputies, the balconies of the chamber were crowded with women, priests, and boys from the convent schools. Of the scene and happenings attending the enactment and promulgation of the new law this writer says:—

"When the leader of the reform movement, Señor Quimper, entered, he was greeted by the Roman Catholic women with shouts of 'Renegade!' . . . 'Death to Quimper!' 'Death to the heretics!' 'Death to religious liberty!' 'Traitors!' 'Down with Pilate!' 'He's bought by the Protestants!' 'Away with him!' 'Away with him!'

"A few university students had slipped into the center of the crowd of Roman Catholic women, and so occasionally one heard among the shrill voices of the women the husky shouts of these men in behalf of religious freedom. The president of the deputies had hunted up an excuse to stay at home that day, so the duty of presiding fell on the vice president of the deputies, Dr. Peña Murieta. His arrival called forth a storm of protests, and amid the noise of firecrackers he was showered with crowns of alfalfa. When the senators arrived in a body, they were greeted with 'Traitors!' 'Death to the representatives!' 'Death to the reformers!' 'Death to liberty!' and when the meeting was finally called to order, the tumult in the galleries was such that the presiding officer had to order that one of the balconies should be emptied.

"In the meantime the priest, Sancho Diaz, the leader of the Roman Catholic forces, and a half dozen others were drinking tea and beer

in the barroom adjoining, in the hope of preventing a quorum; but finally, hearing Dr. Peña Murietta proceed with the business of the day, they rushed in, shouting, 'There is no quorum! There is no quorum!' The other congressmen laughed, and said that it would have been their fault if there were not. And so it happened that the very enemies of the bill were present and helped to swell the quorum that made possible the formal announcement of the law.

"By this time the noise in the galleries was enormous. Women prayed and yelled at the same time, firecrackers were set off, and more alfalfa crowns were hurled at Dr. Peña Murietta as he arose, and with his bell in one hand (to call for order) and the official document in the other, shouted out, 'The honorable congress being in session in order to formally announce the reform of Article IV of the constitution, I shall announce it!' Like a tiger Sr. Sancho Diaz sprang from his seat, ran to the table, seized the document, and tore it to pieces.

"Some of the congressmen tried to stop him, but were unable to do so. Dr. Peña Murietta, having ordered the offender to be detained, announced the adjournment of the day's session. (A few moments later the priest formally apologized for tearing up the document.) And so closed one of the most extraordinary sessions of the Peruvian Congress."

This account of the attitude and behavior of the Catholics upon this occasion is characteristic of the attitude of

that church toward all reforms in all countries and at all times where she has held temporal and spiritual dominance. Rome favors religious liberty for others only when she cannot prevent it. This is very forcefully stated by Cardinal Gibbons, in his work entitled "Faith of Our Fathers," in the following words: "Religious liberty may be tolerated by a ruler when it would do more harm to the state or to the community to repress it;" and he adds approvingly, "This is the true Catholic teaching on this point, according to Bacanus and all Catholic theologians." Imagine an American patriot and citizen talking about "tolerating" religious liberty!

In an encyclical addressed to the bishops of France, dated Feb. 11, 1906, Pope Pius X says, "That it is necessary to separate church and state is a thesis absolutely false, a most pernicious error." Until the popes repudiate this doctrine, and the hierarchy in Catholic countries assume a more friendly attitude toward religious liberty and the rights of coreligionists, the \$50,000 Committee on Religious Prejudice need not go very far to find the reason why there is so much agitation and suspicion in America concerning Roman Catholics. C. S. L.

## NOTE AND COMMENT

### What is "Indecent"?

THE following, which appeared in the *Columbian* (Roman Catholic) of Jan. 21, 1916, is of interest just now because of its use of the word "indecent":—

"It was certainly in bad taste on the part of Senator Fall to say publicly, in the United States Senate, that Senator Stone would not like to go where General Huerta had gone after death. No one appointed Senator Fall judge of Huerta. It was presumptuous and indecent of him to pass sentence in the case."

We certainly agree with the *Columbian* that no one has been appointed judge of Huerta, and we deplore the growing

tendency to joke upon such a subject as the possible loss of a soul. As we view it, anything of this kind shows irreverence and poor taste; we should not, however, regard it as *indecent*. But the use of that word in this connection is significant, inasmuch as it is one of the terms used in Congressman Fitzgerald's bill, which proposes to give the Postmaster-General power to exclude from the mails any publication containing anything that is "indecent." It simply shows how small a thing might be made the pretext for excluding from the mails matter objectionable to the Postmaster-General.

### Church Gambling

THE Kansas City *Star* recently published the following item: "Warrants charging gambling will be asked by the police today against eight men, among them business men and church workers. The men were arrested in a raid on a church fair at a Catholic church late last night [Sunday]. The police say the operation of a 'cluck-a-luck' wheel, on which the minimum wager was ten cents, and the limit 'the sky,' was in violation of the newest gambling orders." If the Siegel press bill, which aims to suppress all publications that cast reflection upon any religion, is enacted into law by Congress, the Kansas City *Star* and all other publications could be barred from the mails for publishing such accounts, as being designed to heap ridicule upon a church. This simply serves as an example.

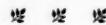


### A Hint to the Religious Prejudice Commission

THERE is a \$50,000 Religious Prejudice Committee seeking to find out who started all this agitation they say is being "directed against Catholics as loyal citizens of the United States." We should like to give this committee a hint. Let them read the papal encyclical, sent several years ago to American Catholics, reiterating the preposterous claims of that church that all America belongs to her because it was discovered by "the Catholic Christopher Columbus," who was alleged to have taken possession of it in the name of the Roman Church. This encyclical censured non-Catholics in the United States for establishing a government not agreeable to Rome. Until the Pope rescinds some of these "infallible" encyclicals which are hostile to a republican form of government, renounces his claims to political domination, and abandons his hostility toward non-Catholics, that church must expect public suspicion and adverse criticism.

### Only a Fetish

BOTH sides are getting ready for action, and a pretty battle of letters is anticipated. On the side of those favoring the passage of the bill, the American Federation of Catholic Societies will probably be in the forefront. . . . Both Catholics and non-Catholics are expected to interest themselves in the fight. . . . The freedom of press is the fetish set up this time. . . . The opposition to his bill, Congressman Fitzgerald says, is based, as every one knows, on a spirit of ignorant intolerance and blind bigotry against the Catholic Church. Aside from the clumsy pamphlets, etc., which depend for their revenue on the gullibility of weak-minded youths and their degenerate elders, the only publications in this country which would come within the pale defined by Congressman Fitzgerald's bill are those which are attacking the Catholic Church.—*February number of Truth (Roman Catholic), monthly organ of the International Catholic Truth Society.*



### A Sunday Law in Operation

THE Associated Press recently sent out the following news item, which was printed in many newspapers: "More than fifty residents of Linden, N. J., attended court proceedings to protest against the fining of Mrs. Dusana Hudak, who is past sixty years old, for taking seven apples from under the trees in a neighbor's orchard on Sunday. Although Mrs. John Deventeer, owner of the orchard, told the court she had given Mrs. Hudak permission to take as much of the fruit as she wanted, Recorder Peter Bundy fined the defendant five dollars and costs. The case against Mrs. Hudak rested on the testimony of Marshal Petrus, who saw her coming out of the Deventeer orchard Sunday morning with the apples in her apron. 'Even if she did not steal the apples,' said Recorder Bundy, 'she ought not to have been carrying them on Sunday,' and he promptly imposed the fine and costs. A

few weeks ago Recorder Bundy fined John Sepp, an ice dealer, for giving away on Sunday ice that was needed for a sick baby."

Evidently this magistrate is a direct descendant of the old type of Sunday blue law advocates of Colonial New England. If he had lived in the days of the self-righteous Pharisees, he would have arrested Christ when he came out of the wheat field. This travesty upon justice is the logical outcome of even a modern Sunday law.



THE Washington *Star* of Feb. 16, 1916, had the following dispatch, sent from Charleston, W. Va., under the same date:—

"The State supreme court has been asked to determine whether it is unlawful to dig potatoes on Sunday. J. R., J. H., and J. M. Harris were convicted on this charge, and fined by a justice of the peace in Tucker County. They appealed to the circuit court, and were again found guilty by a jury. They now have appealed to the supreme court. The men claim they had to dig potatoes on Sunday in order to prevent the crop from freezing."

The constitution of West Virginia forbids the legislature to "confer any peculiar privilege or advantage on any sect or denomination." Is this prohibition not violated when Sunday keeping is made compulsory? Is not a Sunday law a peculiar advantage operating in favor of a Sunday-keeping denomination, and against any who may chance to observe some other day, or even no day at all?



IF intoxicating drinks injured only the drinker, we might say that the matter was one in which we had no right to interfere. In that case we should charge all the losses and dangers to his "personal liberty" account, and should depend upon education along the lines of abstinence to correct the evil. But the liquor peril extends its desolating and ruinous work beyond the drinker and his "personal liberty" account, and its blasting scourge falls upon the innocent and the helpless.

JOHN WILFONG, a barber in the city of Joliet, Ill., was indicted twice recently for bartering on Sunday, and was tried each time before a jury in Justice McCulloch's court, but the jury in each case acquitted the barber as not being guilty of a misdemeanor. This was a case in which the barbers' union was prosecuting an independent barber, and the jury had a keener sense of true justice than the barbers' union with its Puritanical notions of Sunday enforcement.



THE four officers of the *Menace*, indicted and tried at Joplin for alleged violation of the postal laws, were acquitted. Thomas Watson, of Georgia, was recently tried for a similar offense, the jury standing ten to two in favor of acquittal.

These cases have been cited as proof of the impracticability of enforcing the present law. Juries, it is said, will not convict in such cases, even when the evidence would justify a conviction. Is it not much safer, however, to leave such questions to a jury than to the decision of one man?



FOUR "Columbus Day" bills have been introduced into Congress to make October 12 a legal holiday. One of these bills has actually passed the Senate, and bids fair, it is said, to pass the House. Our Solons in Congress tell us that it is impossible to establish a Lincoln Day as a legal holiday. Yet Lincoln was born in America and preserved the Union. Columbus was born in Italy. Yet Italy has no Columbus Day, nor has Spain, under whose flag Columbus sailed.



CATHOLIC periodicals and newspapers all over America are telling their readers not to support President Wilson for re-election, because he recognized Carranza as *de facto* head of the Mexican Republic, contrary to the advice of the Catholic Church. And still we are assured that the Roman Catholic Church is not in politics.

## Is the United States a Christian Nation?

THIS question might be correctly answered by both yes and no. In the sense of the prevailing belief of the people, this is certainly a Christian nation in contradistinction to being pagan or Mohammedan. But in the spiritual sense no nation is or can be Christian.

Suppose you make no profession of religion, and have no living Christian experience. A gospel worker steps up to you and asks, "Are you a Christian?" and you answer, "No," and answer truly; you are not a Christian within the meaning of the one who puts the question.

But suppose you are asked that same question by one who has in mind, not your personal experience, but your religious preferences as between Christianity and paganism or Mohammedanism. You reply at once that you are a Christian, and this even though you may as a matter of fact seriously question or even deny some of the fundamentals of Christianity. But you stand for Christian morals and Christian civilization as against the morals and civilization of other great religious systems, and are therefore in this sense a Christian; and in just that sense, but in no other, is this or any other nation Christian.

C. P. B.



## Five Great Struggles for Liberty

THE pages of the history of this world are for the most part stained with the blood of the martyrs of truth. Five long conflicts have been waged for the cause of liberty. The first great struggle for liberty was in the realm of thought. The second momentous conflict was for freedom of speech. The third hard-fought contest was for liberty of the press. The fourth struggle was for the right of assembly. The fifth and fiercest battle was waged in behalf of religious liberty. The established church and the state were the greatest foes to these greatest

blessings. Without the triumph of free thought, free speech, free press, free assembly, and freedom of worship, the world would still be in midnight darkness and superstition, and in the shackles of civil and religious tyranny.

C. S. L.



## A Plea for Equality

No person should be satisfied until he has secured for every other human being the same rights that he claims for himself. A man who wants religious liberty for his own sect, but does not care one iota whether another sect is oppressed or not, is the very embodiment of selfishness. The person who thinks more of principle than he does of expediency is a true hero in these days of political, social, and financial diplomacy. No man ever gains anything in the attempt to pull others down that he may exalt himself. We should honor the memory of those who have given us the liberty we enjoy today. Let us never be satisfied until our voices are heard in behalf of the oppressed of our own times, in behalf of liberty — for a chainless body and a fetterless conscience.

C. S. L.



AMERICA is the land that belongs not to one sect and one religion, but to all sects and all religions, yea, to the nonreligious as well. It is not the possession of any autocrat or party, but belongs to all the people of the whole nation. Its soil is consecrated to the cause of American liberty and to equality before the law.



JUST so long as the American people continue to love truth and cherish liberty and justice for their own sake, they will offer asylum to the oppressed and downtrodden; nor can they ever rest until every man is permitted to worship God, or not to worship if he so elects, and to live in harmony with his own conscience.

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